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AUTHOR Jackson, Shelley
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ABSTRACT

Thirty-five state plans for the education of homeless children and youth as mandated by the 1987 Stewart B. McKinney Homeless Assistance Act are reviewed and analyzed in this report. Specifically, the act requires that states designate agency authorization for a child's educational placement, procedures for placement dispute resolution, assurances for enrollment in students' "best interests," and provisions for equal educational quality and transfer of student records. Findings indicate that states generally: (1) authorized education officials to make placement decisions; (2) created or adopted dispute resolution mechanisms but failed to specify child placement, time limits, and due process protections; (3) recommended flexible district records transfer policies; and (4) encountered difficulty in planning for homeless student transportation. The study advocates that states adopt more expansive definitions of "homeless" students, grant placement power to parents, implement more efficient dispute resolution mechanisms, specify local district responsibility in service provision and records transfer, and meet student transportation needs. The U.S. Department of Education is encouraged to assume a strong leadership role. Ten tables outline provisions of the 35 state plans. (LMI)

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State Plans for the Education of Homeless Children and Youth:

A Selected Survey of Thirty-Five States

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Center for Law and Education
955 Massachusetts Avenue
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Shelley Jackson

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955 Massachusetts Avenue
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STATE PLANS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH:

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State Plans for the Education of Homeless Children and Youth:

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Summary

The 1987 Stewart B. McKinney Homeless Assistance Act encompasses many programs for homeless persons, and includes provisions designed specifically to ensure access to education for homeless school-aged children and youth.

Among McKinney's directives to state educational agencies (SEAs) is the requirement that SEAs create and implement "state plans" for the education of homeless children. Congress stated that these plans must: authorize persons and/or educational agencies to make decisions about a homeless child's educational placement; include procedures to resolve placement disputes; and assure that homeless youngsters are enrolled, according to what is in their "best interest," in either the district in which they lived prior to becoming homeless or the district of their temporary residence. In addition, plans must assure that local school districts provide homeless children with educational services comparable to those given to non-homeless students, and maintain and transfer homeless student records so that they are readily available when these children move from one educational placement to another.

This report reviews and analyzes thirty-five state plans for the education of homeless children and youth. Although the report describes a variety of policy decisions, some general patterns are apparent. On the whole, states:

- authorized education officials, not parents, to make decisions regarding the educational placement of homeless children (although some plans recommended that the wishes of homeless families be taken into account in these decisions);
- created new or adopted pre-existing dispute resolution mechanisms, but often failed to specify the child's placement pending the resolution of the dispute or to include specific time limits and due process protections for these processes;
- directed or recommended local districts to adopt flexible records transfer policies; recited or paraphrased McKinney language regarding homeless students' right to educational services and, in some cases, discussed additional state or local-level activities designed to ensure the actual provision of such services; and
- appeared to have substantial difficulty in devising strategies to meet homeless students' school transportation needs.

The report also criticizes the U.S. Department of Education (ED) for failing to take a strong leadership role in its review and approval of state plans.

(continued)

The McKinney Act, including the state plan requirement, has increased educators' awareness of the obstacles faced by homeless students and spurred SEAs to attempt to address these problems through policy changes at both the state and local level. In the opinion of Center staff, however, all of the state plans reviewed for this report could be improved. Thus, the report concludes with a variety of suggestions, including recommendations that states:

- adopt expansive definitions of "homeless" students;
- give homeless parents the power to make decisions concerning their children's educational placement;
- adopt speedy, non-disruptive and efficient dispute resolution mechanisms;
- clearly outline local district responsibilities in the areas of educational services and records transfer; and
- ensure that homeless children are not barred from school attendance due to transportation problems.

Finally, the report urges ED to take a more aggressive role and actively enforce the mandates of the statute, which it clearly can do if a state applies for and accepts federal funds for homeless education. Such an aggressive role includes a far more substantive review of state plans, as well as other actions to ensure that SEAs make real progress in remedying the barriers to homeless student access recognized three years ago in the McKinney Act and still in existence today.

I. Introduction

A. The State Plan Requirement

The education provisions of the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. §§11431-11435 (Title VII, Subtitle B of the Act), enacted in July, 1987, represent the first federal legislative effort to ensure that state and local educational agencies become knowledgeable about and meet the educational needs of this country's homeless school-aged population. The Act requires each state receiving McKinney education funds[1] to gather information concerning the number of homeless children in its jurisdiction,[2] and to write a state plan to address those needs.[3] The U.S. Department of Education (ED), which administers the McKinney education program, first made these monies[4] available to states in December, 1987 and set an application deadline of

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[1] Participation in the Act's education provisions -- a program of grants to educational agencies -- is not mandatory. Each state that applies to participate, however, receives a grant awarded according to a population-based formula. Participating states receive at least $50,000 each fiscal year.

[2] 42 U.S.C. §11432(c)(2),(d)(1).

[3] 42 U.S.C. §11432(c)(3),(d)(2),(e).

[4] The McKinney Act was originally enacted for two federal fiscal years, FY 1987 and FY 1988. The education provisions of the Act authorized up to $5 million each year for grants to state education agencies for each of those years. *See* Stewart B. McKinney Homeless Assistance Act, Pub. L. 100-77, §722(g), 1987 U.S. Code Cong. & Ad. News 101 Stat. 527. The Act was reauthorized for an additional two years, FY 1989 and FY 1990, in the Stewart B. McKinney Homeless Assistance Amendments of 1988, Pub. L. 100-628, §702(a)(5), 1988 U.S. Code Cong. & Ad. News 102 Stat. 3245, codified at 42 U.S.C. §11432(g). The reauthorization also provided for up to $5 million annually in state grants. In addition to the state grants, Congress authorized up to $2.5 million for FY 1988, FY 1989 and FY 1990 for competitive demonstration grants to state and local educational agencies for effective programs for homeless students. *See* McKinney Homeless Assistance Act, Pub. L. 100-77, §723, 1987 U.S. Code Cong. & Ad. News 101 Stat. 527-528; McKinney Homeless Assistance Amendments, Pub. L. 100-628, §702(b), 1988 U.S. Code Cong. & Ad. News 102 Stat. 3245, codified at 42 U.S.C. §11433. Congress failed, however, to appropriate money for the demonstration grants until FY 1990. On March 19, 1990, ED announced the availability of $2.3 million in monies to fund "exemplary programs that have successfully addressed or are successfully addressing the needs of homeless children and youth," and required that applications for exemplary grants be submitted to ED by May 18, 1990. *See* U.S. Department of

April 30, 1988 for the first annual "round" of McKinney funds. ED decided that states would not be required to write a state plan until they submitted their applications for the second "round" of McKinney funds. ED set an April 30, 1989 deadline for the submission of state plans and applications for second year funding.[5]

Forty-nine states (all except Hawaii), the District of Columbia and Puerto Rico elected to participate in the second round of McKinney monies, and submitted plans to ED. Each of these plans were ultimately approved by ED during the spring and summer of 1989.

B. Purpose and Methodology of this Report

The Center for Law and Education obtained and examined thirty-five[6] state plans regarding the education of homeless children between May, 1989 and February, 1990. Center staff attempted to select plans that would reflect the varied settings in which homeless children live, including geographical diversity and representation of both urban and rural areas.

Each plan was reviewed to ascertain how states had addressed requirements set out in the McKinney Act, at 42 U.S.C. §11432(e).[7] The Center sought to determine:

Education, Education for Homeless Children and Youth -- Exemplary Grants; Notice Inviting Applications for New Awards for Fiscal Year 1990; Notice, 55 Fed. Reg. 10188 (March 19, 1990)

[5] *See* U.S. Department of Education, "Nonregulatory Guidance to Assist State Educational Agencies in Administering State Activities Designed to Meet the Special Educational Needs of Homeless Children and Youth, Under Title VII, Subtitle B of the Stewart B. McKinney Homeless Assistance Act," Questions D.8, D.9 (Nov. 1987) (hereafter 1987 ED Nonregulatory Guidance).

[6] The Center obtained the state plans of: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Jersey, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia and Wisconsin.

[7] This subsection states:

(e) State plan

(1) Each State shall adopt a plan to provide for the education of each homeless child or homeless youth within the state which will contain provisions designed to -

- what persons or education agencies were authorized by the state to make decisions about the educational placement of and receipt of services by homeless students?;
- what was the state's mechanism to resolve disputes regarding the educational placement of homeless children?;
- how did the state attempt to ensure that the school records of homeless children would be transferred in a speedy fashion?; and
- how did the state address the right of homeless children to receive educational services comparable to those being provided to non-homeless students?

In addition to these statutory requirements, plans were reviewed for other relevant criteria. These included:

(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, the homeless youth, or the applicable social worker to make the determinations required under this section; and

(B) provide procedures for the resolution of disputes regarding the educational placement of homeless children and youth.

(2) Each plan adopted under this subsection shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirements of paragraphs (3) through (6).

(3) The local educational agency of each homeless child or youth shall either -

(A) continue the child's or youth's education in the school district of origin for the remainder of the school year, or

(B) enroll the child or youth in the school district where the child or youth is actually living; whichever is in the child's best interest or the youth's best interest.

(4) The choice regarding placement shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

(5) Each homeless child shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

(6) The school records of each homeless child or youth shall be maintained -

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

(B) in a manner consistent with section 1232g of Title 20.

- how the state defined "homeless" children -- specifically, whether the plan adopted the definition set out in the McKinney Act[8] or encompassed other persons not defined explicitly as "homeless" by the Act, including, for example, persons "doubled-up" with friends or relatives;
- whether the state outlined criteria to assist local educational agencies, parents and others in determining the "best interest of the child," the McKinney standard for determining homeless student enrollment;
- whether the state specified where a homeless child would attend school pending the resolution of any dispute over the child's educational placement;
- whether the state attempted to address the transportation needs of homeless students[9]; and
- whether any re-evaluation or revision of the plan was contemplated by the state.

Information was also compiled for a miscellaneous/"other" category, including data such as whether the state educational agency (SEA) planned any program of public outreach regarding its policies on homeless student rights, whether the SEA indicated it would develop materials or undertake activities to provide local districts with additional technical assistance or guidance, whether the SEA expressed any intent to monitor local

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[8] The McKinney Act defines a homeless person as:

(1) An individual who lacks a fixed, regular and adequate nighttime residence; and

(2) An individual who has a primary nighttime residence that is --
(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill);
(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

42 U.S.C. §11302(a).

[9] Although the McKinney Act itself does not include transportation in its list of educational services to which homeless students are entitled, the conference committee report accompanying this section of the Act makes clear the conferees' intent that transportation issues be considered in state and local policy-making. *See* H.R. Rep. No. 174, 100th Cong., 1st Sess. 63, 94, *reprinted in* 1987 U.S. Code Cong. and Ad. News 441, 473. ("The Conferees intend that services such as school meals and transportation be provided at the same level and to the same degree as those offered to other students in that particular school. Access to these services shall not be compromised solely because a child or youth is homeless.")

school districts for compliance with the plan, and the extent to which the SEA indicated an intent to be involved in state-level interagency efforts to assist homeless persons.

All the information detailed above was entered into a data base system, in chart form, with a separate multi-state chart for each category (see tables 1-10). The data base system had limitations, most notably the inability to store data of more than 255 characters in each "field." Thus, some of the information in these tables is necessarily abbreviated (for example, "hless" often appears for "homeless", "transpo" appears for "transportation","TA" appears for "technical assistance.") Other data, specifically in the tables concerning dispute resolution mechanisms (table 4) and miscellaneous information (table 9) were necessarily omitted due to lack of space. In each case, however, the most pertinent information in each category is included, and an effort has been made to discuss in the text of the report information that could not be included in the tables. Persons seeking additional detail about specific plans should obtain and refer to the plans themselves, listed in the Appendix to this report and available from the SEA "McKinney Coordinator" in each state.[10]

By design, this report does not focus on the conduct or result of data collection efforts, although many plans included some description of the methodology used to determine the number of homeless students and their educational problems. (Table 10 does include data, however, regarding the number of homeless children in each state and how many of these children are not attending school, as identified by states in reports submitted to ED[11] on December 31, 1989). Given the general acknowledgement that at least tens of thousands of children are homeless and experience disruption in their education[12], Center staff felt it more important to focus on the

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[10] The McKinney Act requires each participating state to appoint or designate an Office of Coordinator Education of Homeless Children and Youth. *See* 42 U.S.C. §11432(c),(d). A list of McKinney coordinators is available from the U.S. Department of Education.

[11] The McKinney Act requires states to annually gather data on the number of homeless children and the problems these children experience in obtaining access to education, *see* 42 U.S.C. §11432(d)(1).

[12] The U.S. Department of Education, on the basis of December 31, 1989 state data counts, reported to Congress in March, 1990 that there are approximately 272,000 homeless school-aged children nationwide, with approximately 76,000 of those children out of school. *See* U.S. Department of Education, Report to Congress, Education for Homeless Children and Youth (March 29, 1990). The U.S. General Accounting Office, as directed by the McKinney Act at 42 U.S.C. §11434(a), conducted a more limited survey in 1988 and estimated that there are at any one time approximately 68,000 school-aged children meeting the precise definition of "homeless" in the McKinney Act, and an additional 186,000 children in "shared housing" nationwide. *See* U.S. General Accounting Office, Report to Congressional Committees, Children and Youths: About

purported *solutions* to problems identified through state data gathering efforts than to analyze how each state collected and compiled this data. Persons seeking more detailed information about data collection should refer to individual state plans and/or state McKinney coordinators.

Some caveats are in order in reading this report. The report is intended to serve as a comprehensive summary of the state plans of thirty-five states, as submitted to and approved by ED. The report is *not* an exhaustive review, however, of *all state activities* regarding the education of homeless children. In some cases, Center staff found that the information detailed in these plans was not complete -- for example, a plan might state that an upcoming directive would provide more guidance to local educational agencies concerning residency or the provision of educational services. Due to limited staff time, the Center did not follow up on each of these "leads" to determine whether a subsequent communication was actually disseminated by state education officials in accord with the time schedule set out in the plan. Thus (with the exception of the numerical data in table 10, discussed *supra*), this report includes only the information contained in each plan, as approved by ED. In addition, the report does not document the extent to which states have, subsequent and in addition to the plan, developed other programs, policies or procedures for educating homeless students. In some cases, other Center research has provided information about state action to augment a plan with subsequent legislative or regulatory developments[13]. Where appropriate, these developments are noted in the text and footnotes of this report (but not in the accompanying tables); however, this information is not comprehensive. Persons interested in more detailed information about subsequent directives, policy developments or activities should contact the relevant McKinney coordinator(s).

68,000 Homeless and 186,000 in Shared Housing at Any Given Time (June, 1989).

[13] The McKinney Act directs states to review and if necessary, revise their school residency statutes so that these statutes are not a barrier to access for homeless students. *See* 42 U.S.C. §§11431(2), 11432(c)(1). Some state plans indicate that such a review has taken place, is ongoing or is planned; others are silent on this issue. Center for Law and Education research in late 1989 and early 1990 indicated that five states -- Connecticut, Florida, Minnesota, Montana and Vermont -- had enacted substantive statutory provisions regarding the rights of homeless students. In addition, New York's legislature passed a statute to govern reimbursement to local school districts for the costs incurred in educating homeless children who enroll during the academic year, and Rhode Island enacted a statue that explicitly gave its Commissioner of Education the authority to promulgate regulations regarding homeless student enrollment. Iowa, Kentucky, Nevada and New York promulgated state regulations regarding homeless students. Colorado and New Jersey indicated that bills regarding the school enrollment of homeless students were pending in their state legislatures.

C. The State Plan Approval Process

As noted above, all state plans were submitted to ED for approval. Through consultation with ED staff, including a June, 1989 Freedom of Information Act (FOIA) request and follow-up calls, the Center determined that ED initially rejected thirty of the fifty-one state plans submitted. The letters from ED to states regarding their plans do not go into detail regarding specific areas of noncompliance; most letters state only that the plan did "not address (or adequately address) the requirements" of the Act's state plan provision. A process that included the revision of some plans, and clarification and negotiation between ED and SEAs regarding other plans, began in May, 1989. An August, 1989 follow up to the Center's FOIA request indicated that ED had approved forty-six state plans, and a follow-up in September, 1989 indicated that all plans had been approved by that date. All information included in this report is based on state plans as they were approved by ED. (A critique of ED's role in the approval process is included *infra* at pages 30-31.)

II. Results of State Plan Review

A. Who Does the State Consider "Homeless"?

[See TABLE 1]

Twenty-five of the thirty-five plans reviewed by Center staff adopted or appeared to adopt (six plans did not include a definition) the McKinney definition of "homeless."[14] Nine other states devised broader definitions, including children who: live in "doubled up" situations with friends or relatives[15]; live in tents or in camps[16];

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[14] Plans reciting the McKinney definition of homelessness include Alabama, Alaska, Arizona, California, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Louisiana, Maryland, Minnesota, Missouri, Montana, New Jersey, North Dakota, Oregon and South Dakota and Wisconsin. Plans that did not include a definition include Colorado, Delaware, Michigan, Puerto Rico, Tennessee and Virginia.

[15] Kentucky Indiana, Iowa, Massachusetts, New Mexico, Pennsylvania, Texas, Utah and West Virginia.

[16] Indiana, Iowa, Kentucky (in regulations promulgated subsequent to the creation of the state plan, *see* 704 Ky. Admin. Regs. 7:090, §1 [1989]), Massachusetts.

live in foster homes[17], runaway shelters[18] or domestic violence shelters[19]; are runaways[20], abandoned or forced out of their homes[21]; are the children of migrant farm workers[22]; or are waiting for institutionalization, adoption, foster care and other social services.[23] In accord with the definition in New York state regulations concerning homeless students,[24] New York's plan provided for only those children who, either independently or through their families, receive public assistance. The plan did not detail how McKinney requirements might be met for homeless students who did not receive public assistance, but included the identification, definition and provision of services to "homeless children who are not covered" under current regulations as a goal of the SEA. Indiana and New Mexico adopted especially broad definitions, including children who meet the McKinney definition as well as those doubled up with friends and relatives, and children living in inadequate housing.[25]

In August, 1989, ED guidelines to states attempted to clarify which school-aged children and youth are included in the McKinney definition of homeless. ED opined

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[17] Kentucky. Montana's plan appeared to adopt the McKinney definition of "homeless," but also recommended that Congress and ED "continue counting short-term foster care" in the definition of homeless.

[18] Kentucky, Massachusetts. Iowa might also include youth residing in runaway shelters in its regulatory definition of homeless children, which includes youngsters in "community shelter facilit[ies]". *See* Iowa Administrative Code r. 281-33.2(256).

[19] Kentucky, Massachusetts, Pennsylvania.

[20] Pennsylvania, Utah, West Virginia.

[21] Utah, West Virginia.

[22] Pennsylvania, Utah (including migrant farm worker children if they are without "adequate" housing), West Virginia (including the children of migrants "who cannot afford housing.")

[23] Kentucky (regulations include children who are awaiting assistance from social service agencies in hospitals or temporary placements due to having been abandoned or forced out of their homes. *See* 704 Ky. Admin. Regs. 7:090, §1(e)), Texas, West Virginia (including runaway and "throwaway" children who are "awaiting assistance" from social services agencies).

[24] *See* N.Y. Comp. Codes R & Regs. tit. 8, §100.2(x)(1).

[25] New Mexico defined inadequate housing as that which lacked the "fundamental necessities" of water, heat, electricity and sanitation. Indiana did not define inadequate housing specifically, but characterized homelessness as a condition in which individuals are "not able to live safely, healthfully, or legally both night and day in a residence where they can meet their social and basic needs with privacy and human dignity."

that children in the following categories should be considered homeless: runaways and "throwaways" living on the streets or in other unfit accommodations; children living in runaway shelters; children placed in foster homes or transitional or emergency shelter due to a lack of adequate shelter space; children who have been abandoned by their mothers in hospitals; and children living in trailer parks and camping areas. ED added that certain other categories of children should not be considered homeless *per se*, but might be determined homeless as a result of a case-by-case review, including: groups of runaways living together or with friends and/or relatives in "suitable accommodations;" children of migrant farm workers; and children of families who are "doubled-up" with friends and/or relatives. In these latter cases, ED advised states to evaluate certain factors, including the permanency of group runaway accommodations, the adequacy of the accommodations in which migrant children live, and whether "doubled-up" families are sharing space because of a loss of housing, or voluntarily sharing a home for financial reasons.[26] ED made clear, however, that its guidelines are not binding on state educational officials; thus, those states wishing to develop more inclusive definitions of homeless children and youth are free to do so, as long as those definitions comply with the McKinney Act, the General Education Provisions Act and its implementing regulations.[27]

B. Who Decides Where a Homeless Child Will Attend School?

[See TABLE 2]

The majority of state plans (25 of 35)[28] gave local and/or state education officials the power to determine whether a homeless child would attend school in the district in

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[26] *See* U.S. Department of Education, Memorandum to State Homeless Contacts: Guidelines on the Definition of "Homeless" and Developing a Consistent Method for Counting Homeless Children and Youth, at Attachment A, pages 1-5 (August, 1989).

[27] ED stated, "[t]he guidelines were developed as a tool to assist you in administering the Homeless Children and Youth Program. They do not have the same binding effect as regulations; they do not impose any legal requirement beyond those imposed by ... the McKinney Act, the General Education Provisions Act... and the Education Department General Administrative Regulations. States are not required to follow the guidelines, but may develop alternative approaches that might be more appropriate to particular local needs and circumstances." Id., at 1.

[28] Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Montana, New Jersey, New Mexico, North Dakota, Oregon, Pennsylvania, South Dakota, Virginia and Wisconsin authorized LEAs to make homeless school placement decisions. Alaska and Michigan gave this power to state education officials. Illinois stated that the SEA and LEAs would decide.

which s/he lived prior to becoming homeless (hereafter referred to as the "local educational agency (LEA) of origin") or in the district in which the child is actually living (hereafter referred to as the "LEA of residence"). In many of these cases, however (16 of 25)[29], plans stated only that "LEAs", "each LEA" or the "LEA of each homeless child and youth" would make this decision, without specifying whether the plan intended to identify the LEA of origin or the LEA of residence. Ten of the plans giving LEAs and/or the SEA primary or sole authority in placement decisions[30] included recommendations that educational agencies take into account the preferences and views of homeless parents when enrollment decisions are made.[31] The language in which these recommendations were conveyed varied widely, however. For example, North Dakota "strongly recommends" that LEA personnel "consult and coordinate with" parents, guardians, homeless youth and "other concerned parties" in making placement decisions. In contrast, Virginia's plan said only that LEAs should defer to parental choice "to the extent practicable."

Only two states -- New York and West Virginia-- gave the parents of homeless children the absolute right to determine where those children will attend school. In New York, however, this right is limited by state regulation to those homeless children who receive public assistance. Other plans giving parents a predominant role in these decisions include Massachusetts, which provided that homeless parents have the right to choose where their children will be enrolled as long as the choice is an *inter-district* one. In cases in which a Massachusetts homeless family has moved from one school attendance area to another *within* the same school district, the school district has the power to decide which school the child will attend, although LEAs in these cases are "strongly urged" to act in accord with the parent's wishes. In the District of Columbia,

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[29] Alabama, Delaware, Florida (It is possible that Florida's plan is meant to authorize the LEA of residence to make these decisions, as a 1989 Florida statute provides that homeless children shall attend school in the district in which they reside), Georgia, Illinois, Louisiana, Maryland, Minnesota, Missouri, Montana, New Mexico, North Dakota, Oregon, South Dakota, Virginia and Wisconsin. Montana legislation, not included in the state plan, provided that school district trustees "shall assign and admit a child who is homeless, as defined in the Stewart B. McKinney Act, to a school in the district regardless of residence," *see* Mont. Code. Anno. §20-5-101(4) (1989), but it is unclear whether this legislation should be construed to give LEAs of origin, LEAs of residence, or both the right to make homeless student placement decisions.

[30] Delaware, Illinois, Kentucky, Louisiana, Maryland, New Jersey, North Dakota, South Dakota, Virginia and Wisconsin.

[31] *See also* 1987 ED Nonregulatory Guidance, *supra* note 5 at 7, Question F.1. ("In constructing its State plan, the Department of Education urges the State to give deference to the wishes of parents or guardians of homeless children and youth and to the wishes of homeless youth.")

homeless parents can choose which school their children will attend if the family has moved during the academic year; D.C. principals and regional superintendents make enrollment decisions when the parent requests at the beginning of an academic year that a prior year's placement be continued.

Texas and Utah abide by a homeless parent's wishes regarding school enrollment if the parent chooses to enroll the child in the LEA of residence; if homeless children in these states are to be enrolled in the LEA of origin, however, that decision must be made jointly between the parent, the LEA of origin and the LEA of residence. In Tennessee, homeless school enrollment decisions are made by a "homeless placement team," including LEA staff, shelter staff, the homeless parent or a family advocate and health department personnel. Arizona's plan appeared to envision that homeless student enrollment decisions would be reached by consensus, involving parents, LEA(s) and social services caseworkers for the homeless family. The plan stated that caseworkers should, if possible, act as the "lead person" in considering such disputes, but did not specify what special responsibilities, if any, accompanied this designation.[32]

The state plans of Indiana and Puerto Rico did not explicitly identify a decision maker for homeless school enrollment. Indiana noted, however, that existing state residency law gives local districts the authority to allow students who move within the academic year to continue to attend school in the district of origin for the remainder of the year. Indiana also stated that it would devise and distribute a legal advisory to LEAs on this topic by December, 1989[33]. Puerto Rico indicated that a similar memorandum would be distributed by October, 1989.

C. Did the Plan Include Criteria for the "Best Interest of the Child?"

[See TABLE 3]

The McKinney Act stated that decisions regarding homeless student enrollment would be made in accord with the child's "best interest."[34] State plans were reviewed

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[32] Arizona's plan provided that if consensus proved impossible, parties should employ existing LEA dispute resolution mechanisms in determining homeless student placement.

[33] Indiana also indicated that in a separate December, 1989 document, it would recommend that LEAs adopt flexible policies concerning intra-district transfers of homeless children and youth.

[34] *See* 42 U.S.C. §11432(e)(3).

to determine whether they gave guidance to local education officials and parents as to the considerations inherent in any "best interest" determinations.

Fourteen[35] of thirty-five plans included some kind of best interest criteria. Among these states, continuity of instruction was cited most frequently as a factor to be addressed. Ten plans[36] referred to parental views as a factor in determining the child's best interest, and seven[37] included the homeless child's transportation needs in these criteria. Massachusetts and West Virginia plans explicitly linked a homeless child's educational needs with the homeless family's need for permanent housing, by including an inquiry into the area of the family's permanent housing search among best interest factors. Georgia indicated that consultation with parents and/or the student concerning "family plans," presumably including plans for permanent housing, should be a factor in placement decisions.

D. What Mechanism Did the State Choose to Resolve Disputes Regarding Homeless Student Enrollment?

[See TABLE 4]

State plans reflected a wide variety of policy decisions regarding the resolution of disputes over homeless student enrollment. States split almost evenly on the issue of whether homeless placement disputes would be brought first to local officials and then to the state level[38], or considered only by state officials[39]. Colorado, Georgia,

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[35] Arizona, California, the District of Columbia, Georgia, Kentucky, Massachusetts, New Jersey, North Dakota, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia.

[36] Arizona, California, Georgia, Louisiana, Maryland, New Jersey, North Dakota, Pennsylvania, South Dakota, Tennessee. *See also* those states recommending that SEAs and LEAs consult parents in making placement decisions, *supra* note 30 and accompanying text.

[37] Arizona, California, Georgia, Kentucky, Massachusetts, New Jersey, West Virginia. In addition to these states, Iowa, in regulations promulgated separately and not included in the state plan, specifically included transportation as a "best interest" factor, *see* Iowa Administrative Code. r. 281-33.10[1].

[38] This type of two-tier system was described in the state plans of Alabama, Arizona, Connecticut, Delaware, Georgia, Iowa, Kentucky (state plan "encouraged" LEAs to provide a local hearing; regulations adopted subsequent to the state plan mandated that these disputes be brought first to an LEA-level "homeless child education coordinator, *see* 704 Ky. Admin. Regs. 7:090,§2(1)(b)), Louisiana, Maryland, Missouri, New York, North Dakota, South Dakota, Utah, Virginia and Wisconsin. Homeless

Illinois, Indiana, Massachusetts, North Dakota, South Dakota, Virginia and Wisconsin plans described more than one level of review by SEA officials. Alaska's plan indicated that the SEA planned to devise procedures for homeless students to petition LEAs for attendance in the LEA that is in their "best interest." California's plan noted that the SEA and LEAs should review existing procedures to ensure they can appropriately resolve homeless placement disputes. North Dakota indicated that disputes not satisfactorily resolved at the LEA or SEA levels could be brought to the U.S. Department of Education.

Fourteen plans[40] stated that existing administrative due process procedures could be used in resolving homeless placement disputes. Among these states was New York, where regulations concerning school residency disputes state explicitly that these rules are to be used to resolve conflicts concerning homeless student enrollment.[41] Alabama, Delaware and New Mexico indicated that applicable dispute procedures in those states were currently under review. Alabama noted that the SEA was revising its "federal programs complaint procedure," to be used to appeal homeless placement decisions from the local level to the SEA. Delaware indicated that the SEA would develop legislation or procedures to require LEAs to determine whether existing local procedures were appropriate for homeless placement disputes. New Mexico's plan described an SEA review of existing due process procedures and a determination (by April, 1990) as to whether procedures specific for homeless students are necessary.

Only ten states[42] made reference to any sort of timetable for resolving homeless enrollment disputes. (It is probable, however, that time lines are included in existing

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placement disputes in California and Massachusetts are to be brought to a regional liaison, and then to SEA staff. In West Virginia, disputes are reviewed by the LEA, then by the county superintendent, then by the county board of education, and then by the SEA, including the right to a hearing by an impartial review officer appointed by the SEA superintendent.

[39] Immediate state-level consideration of these disputes is provided in Colorado, the District of Columbia, Florida, Illinois, Indiana, Michigan, Minnesota, Montana, New Mexico, Oregon, Pennsylvania, Puerto Rico, Tennessee and Texas.

[40] Alaska, Arizona (SEA to review existing procedures for appropriateness), California, Connecticut, Florida, Iowa, Louisiana, Montana, New Jersey, New York, North Dakota, Puerto Rico, Texas (Texas specified that existing procedures would be used "to the extent appropriate."), West Virginia.

[41] *See* N.Y. Comp. Codes R. & Regs. tit. 8, §100.2(y).

[42] Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, New York, Puerto Rico, West Virginia and Wisconsin.

procedures to be used by some states.[43]) These time frames varied, from Puerto Rico's assurance that complaints lodged with an SEA "complaint investigator" would be resolved in five days, to the resolution of such complaints within sixty days in Georgia and Wisconsin, and approximately seventy-five days in West Virginia.

Few state plans listed criteria to aid decision makers in the resolution of enrollment disputes. Exceptions include the plans of Iowa, which provided that homeless parents' wishes shall be given preference "to the extent possible;" Kentucky, which stated that LEAs should be "as supportive as possible" of the wishes of homeless parents, students and their representatives; Minnesota, which provided that the SEA resolves disputes and ensures that homeless children attend the school that "best assists them in moving from their homeless condition to succeeding in school;" and South Dakota, which specified that SEA decisions will be based on equality of facilities, the wishes of taxpayers, the best interests of all students in the LEA at issue and of the homeless student. Presumably, in those states that have established "best interest of the child criteria" for placement disputes (*see* pages 11-12, *supra*), these criteria would serve as a standard for decision-makers in the dispute resolution process.

Only eight states[44] explicitly addressed a homeless student's placement pending the resolution of a dispute about the location of the child's enrollment. Among these states, only Massachusetts provided that homeless children remain in the LEA of their parent's choice during a dispute. Missouri stated that a child remains in the LEA where s/he was first enrolled; similarly, North Dakota recommended that LEAs allow homeless children to remain in the LEA they attended when the placement dispute was initiated. Arizona states that a child attends school in the LEA in which s/he is "physically present" during a placement dispute. New Jersey stated that homeless children attend school in the LEA of origin during disputes, unless distance makes such attendance prohibitive. Beginning with the 1990-91 academic year, Illinois homeless students will attend school in the LEA of residence pending the resolution of disputes (Illinois did not specify a placement location for the 1989-90 school year). Maryland's plan did not definitively establish state policy on this point, but recommended that LEAs review their dispute procedures to ensure a homeless child's education is not disrupted pending the resolution of disputes. Kentucky guidelines to LEAs suggested that homeless students must be enrolled in an appropriate placement during the dispute process; subsequent Kentucky regulations provide only that a homeless child's "placement and

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[43] For example, New York regulations stated that if a local school board determines that a child is not entitled to attend school in the district, it must provide written notice of its determination within two business days.

[44] Arizona, Illinois, Kentucky, Massachusetts, Maryland, Missouri, New Jersey and North Dakota.

services ... shall be continued" until the dispute is resolved. *See* 704 Ky. Admin. Regs 7:090, §3(6).

Plans that appeared to create new systems specifically for homeless placement disputes provided little or no detail concerning the precise due process rights to be accorded homeless parents -- for example, how parents would be notified of a decision that their children are refused access in a particular LEA; whether parents must submit a written complaint in order to utilize the state's dispute resolution mechanism; whether these disputes (in either a one or two-tier system) would be considered in an actual hearing or in a "paper" review. Again, it should be noted that when states chose to adapt their existing procedures for homeless placement disputes, these procedures may provide this information.[45] In addition, states that require LEAs to develop their own dispute resolution mechanisms and submit those procedures for state approval[46] may include some review of due process details in the approval process.

E. How Did the Plan Address the Need for Speedy Transfer of Homeless Students' School and Health Records?

[See TABLE 5]

The majority of state plans reviewed by Center staff attempted to ensure that the LEAs and SEA undertake some special steps regarding the transfer and maintenance of homeless students' school and health records. Massachusetts and Pennsylvania established unequivocally that LEAs in those states must enroll homeless children upon demand even if children arrive without school records, and then obtain records information by telephone from the LEA(s) previously attended by these children. Similarly, Iowa regulations not included in the state plan provide that a homeless child may not be denied an education solely on the basis of a lack of school records. These regulations require local districts to request copies of a homeless child's records from the

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[45] For example, West Virginia indicated that existing procedures governing situations in which there is an apparent "failure to provide elements of a high-quality education ... or ... violation of any other legal duty," would be used to resolve homeless placement disputes. These procedures specify that appeals shall be in writing, that complainants may be assisted by representatives, including legal counsel, and that decisions shall be issued within certain proscribed time periods and be in writing. *See* West Virginia Board of Education, Procedural Rule, Chapter 18-2, Series 7211, Appeals Procedure for Citizens. *See also, e.g.* notice and other procedural requirements of Florida regulations, Fla. Admin. Code Ann. r 120.57.

[46] Georgia, Maryland.

sending school, and state that the sending school must provide these records "immediately" upon request. *See* Iowa Administrative Code r. 281-33.4(256).

Illinois stated that it would inform LEAs of existing state law, which prohibits the exclusion of students due to a lack of records, and Alaska indicated that memoranda would be forthcoming from the SEA to LEAs, regarding existing prohibition on exclusion of students due to a lack of health records. Florida, Georgia, Maryland and Utah indicated that SEAs in those states would recommend enrollment that LEAs in those enroll homeless youngsters upon demand. West Virginia's plan outlined a records policy intended to ensure that homeless children are admitted to school within two days of requesting admission, including authorizations to LEAs to verify academic records (including information concerning special education placement) and obtain any available immunization information by phone, and to refer unimmunized students to local health authorities.

An appendix to Florida's plan included state legislation, enacted in 1989, which requires local districts to assist homeless children in obtaining birth and health records documentation. Lenient LEA records policies were recommended by SEAs in: California, which encouraged LEAs to establish procedures to "track" homeless children as they move within a school district or from one district to another; Indiana, which stated that the SEA would "encourage" LEAs by September, 1990 to solicit records information by telephone; Minnesota, which provided that the SEA would recommend LEA compliance with state guidelines permitting all parents up to 30 days from the date of enrollment to produce medical records for their children; and North Dakota, which included an SEA pledge to communicate to LEAs that delays in the receipt of school and health records "must not preclude" timely registration and a recommendation by the SEA that LEAs assist homeless families in securing school and health records.

Although not included in Kentucky's plan, regulations from that state require LEAs to designate a "homeless child education coordinator," and provide that these coordinators shall be responsible for obtaining the necessary records of homeless students and ensuring the availability of those records when the child moves to a new school. *See* 704 Ky Admin. Regs 7:090, §2. Arizona's plan directed LEAs to review local admission and enrollment policies and to ensure that these policies do not constitute "illegal barriers to education" for homeless students. Connecticut noted that all LEAs must maintain records in accord with a "records retention schedule" established by the state Records Administrator, and suggested that LEAs review their local records policies and consider including in those policies McKinney statutory language concerning the speedy transfer of school records.

Some state plans required the records of homeless students to be transferred within specified time periods --within fifteen days of enrollment in Georgia; within fourteen days in Indiana (in accord with existing state law); within two days in Kentucky; within a week of receiving a request for records in Tennessee. In Alabama, Missouri, New

Mexico and Virginia, however, state plans said that records should be available "promptly" or in a "timely" manner, but failed to set a deadline for such transfers, or similarly paraphrased or recited the McKinney Act's statutory provisions on school records without elaborating as to how LEAs are to meet the Act's requirements.[47]

Plans described, with varying specificity, a number of SEA activities regarding school records policies. Of particular interest is the Maryland SEA's implementation, since fall, 1988, of a tracking system for homeless children in that state. Participants in this system -- shelter providers, social services workers and LEAs -- submit completed "tracking forms" about all homeless children between birth and age eighteen, including the child's name, social security number, age, sex, ethnic origin, school attended, grade and current housing arrangements (including the date the child entered the shelter or motel) to the SEA according to an established schedule (every month for social workers and shelter providers; three times a year for LEAs). The SEA enters this information into a computerized data system each month, and disseminates an interpretation of the data to local contacts twice each year. Maryland indicated that participating agencies could use information from the tracking system to plan the future delivery of services. South Dakota described plans to develop a similar system, including the collection and computerized storage of information from LEAs concerning a homeless child's birth certificate, immunization record, academic record, social security number, name of parent and "outside contact person," special health needs, certification for services such as Chapter 1 or special education, last school attended (including dates of attendance) and current address. Florida indicated that it would encourage LEAs to use an existing "computerized student information data base" (the plan did not include any detailed description of this data base) and added that the SEA would review this data base, as well as an existing system for tracking the records of migrant children and a planned "dropout student tracking system," to determine methods to monitor homeless students and their records. The District of Columbia stated that it would develop a student information data base, using information collected from schools, shelter providers and social service agencies.

In addition, Delaware indicated that SEA officials would meet with the state Attorney General and the Chief School Officers' Association to develop procedures for maintenance and timely transfer of homeless student records. Iowa's SEA pledged to

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[47] *See also* the state plans of: Colorado, which recited the McKinney records requirement without elaboration, but added that the SEA would monitor LEAs for compliance with this section; Iowa, which paraphrased McKinney language, but indicated that the SEA would establish grants concerning model records transfer policies; Louisiana, which paraphrased McKinney but indicated that the SEA would provide technical assistance to LEAs on this issue and review records transfer procedures in its monitoring of LEAs; and Wisconsin, which paraphrased McKinney but indicated that technical assistance to LEAs would be provided by the SEA.

create "incentive awards" and take other steps to establish model practices for the transfer of homeless student records. New Jersey's plan stated that the SEA would review existing SEA and LEA records policies, establish specific strategies for McKinney compliance and disseminate an SEA policy regarding records and enrollment by September, 1989. Oregon's plan indicated that existing record-keeping models for homeless students were being studied, and characterized an "ideal system" as including the participation of schools and social services contacts.

F. How Did the Plan Address Homeless Students' Need for Educational Services?

[See TABLE 6]

Almost all state plans recited verbatim the McKinney Act language that local educational agencies provide homeless students with services "comparable" to those provided non-homeless children. In some cases, however, SEAs supplemented this boiler plate language with some provision for additional state or local activities, including state monitoring to determine whether comparable services policies are actually implemented at the local level.

Eight states[48] merely recited or paraphrased the McKinney provision regarding "comparable" services without further elaboration as to how LEAs are to provide and homeless students are to obtain these services. New York's plan did not mention educational services specifically, but did state that homeless children are to be considered residents "for all purposes" wherever they are enrolled; presumably, this statement encompasses these students' rights to comparable services. Although Kentucky's plan paraphrased McKinney and stated only that services are to be provided to homeless students "without delay," subsequently-promulgated Kentucky regulations provide that LEA "homeless education coordinators" are responsible for ensuring that homeless children receive appropriate services. *See* 704 Ky. Admin. Regs. 7:090, §2(c).

Twelve states[49] included more detailed discussions of LEA responsibilities. Arizona, the District of Columbia and Tennessee mandated additional LEA (or school, in the case of D.C.) responsibilities regarding services. Arizona required each LEA to

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[48] Colorado, Missouri, Montana, New Mexico, Oregon, South Dakota, Virginia, West Virginia.

[49] Alabama, Arizona, California, Connecticut, Florida, Georgia, Massachusetts, Pennsylvania, Tennessee, Texas, Utah, Wisconsin.

appoint a staff person to act as a homeless education contact person, and to, among other responsibilities, facilitate the enrollment, assessment and placement of homeless students. School principals (and shelter providers) in the District of Columbia were directed to refer homeless students in need of services to the D.C. McKinney coordinator, who coordinates a "case conference" (including the child's parent, a social worker, a counselor, a shelter official, a teacher and a mental health worker) to review the child's existing educational program and plan for and provide appropriate services. In Tennessee, LEAs must establish an "interagency team" of persons knowledgeable about homeless students, and give this team the responsibility to ensure that the basic needs of homeless students are met.

SEA recommendations for LEA activities regarding homeless student services addressed a variety of issues, such as: California's suggestion that LEAs identify local programs and personnel that can best assist homeless students and include the issue of services for the homeless in school-level plans for homeless children; Pennsylvania's recommendation that LEAs characterize long-term homeless students as "at risk" and thus eligible for certain additional services; and Wisconsin's recommendation that LEAs create interagency advisory committees "to address educational and related services to the homeless." Other plans focused on specific services, including Texas, which suggested that LEAs coordinate counseling services for homeless students with similar assistance provided by other agencies. Texas also recommended that LEAs consider reviewing their special education referral systems, including possibly giving priority in the conduct of comprehensive evaluations to students who are likely to relocate, to more quickly address the educational deficits of homeless handicapped students. Georgia and Wisconsin plans authorized LEA officials to complete meals program applications and provide food services to homeless students who, even if they do not submit an application, are known to be eligible for these services. Utah's plan evidenced a particular interest in the needs of homeless adolescents, by including SEA statements of intent to link shelter providers with job training and vocational education programs.

Thirteen states[50] indicated that the SEA would carry out its own tasks and/or provide technical assistance to LEAs regarding the provision of services to homeless students. Among these states, Florida and Illinois described the most extensive technical assistance activities. Florida's plan included assurances that the SEA would meet with state-level agencies responsible for providing transportation and social services to homeless persons, develop a "mini-grant" program to fund the development of programs to identify, serve and monitor homeless students, and provide LEAs with suggested strategies to meet the service needs of homeless children. Illinois stated that the SEA would compile a region-by-region profile of available services for homeless students,

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[50] Alaska, California, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Michigan, Minnesota, New Jersey, North Dakota, Utah.

visit LEAs to review service delivery to the homeless, and develop or obtain a videotape and conduct other training activities for LEA personnel regarding homeless students' educational needs. In combination with or in lieu of these technical assistance activities, nine states[51] indicated that the SEA would conduct some sort of monitoring activities to ensure LEA compliance with this provision.

G. Did the Plan Discuss Homeless Students' Transportation Needs, and If So, How Were These Needs Addressed?

[See TABLE 7]

Eleven[52] of thirty-five plans failed to even mention transportation issues in their discussion of LEA and SEA actions necessary to combat barriers to education for homeless students. Only five state plans -- from Connecticut, Massachusetts, New Jersey, New York and West Virginia -- discussed procedures or policies specifically designed to address homeless students' transportation needs.

Connecticut's plan included state legislation, enacted in 1987, which provides that a homeless child's LEA of origin shall either pay tuition to the LEA of residence or continue to provide educational services, *including transportation*, to the child. *See* Conn. Gen. Stat §10-253(e) (emphasis added). The transportation rights of homeless students in Massachusetts and West Virginia are limited to those provided to other students within an LEA. Both plans "urge" but do not require LEAs to provide transportation to homeless students who live in one school attendance zone within the LEA, but attend school in another zone. As Massachusetts fails to provide transportation for students across LEA lines, homeless parents in that state who exercise their right to enroll their children in the LEA of origin bear sole responsibility for school-related transportation arrangements and costs.[53] West Virginia noted that

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[51] Alaska, California, Connecticut, Louisiana, Maryland, North Dakota, New Jersey, Puerto Rico, Utah. Presumably, those additional SEAs that indicated they would monitor LEAs generally for McKinney compliance -- Alabama, Alaska, Colorado, Illinois, Iowa, Wisconsin -- will evaluate LEA provision of services to homeless kids in their review.

[52] Alabama, Colorado, Delaware, Illinois, Louisiana, Maryland, Missouri, North Dakota, New Mexico, Puerto Rico and Virginia.

[53] The Massachusetts plan noted that one potential, if meager, source for these funds is the transportation allowance given to families on public assistance by the state Department of Public Welfare.

although homeless families may request, and LEAs may elect to provide, transportation when a child lives in one LEA but chooses to attend school in another LEA[54], the state currently has no money to reimburse LEAs for providing such transportation. New Jersey provides that transportation services will be coordinated by the LEA in which a homeless child actually lives. LEAs of origin in New Jersey are responsible for providing transportation in cases in which they continue to educate homeless students. In addition, pending New Jersey legislation would require LEAs of origin to pay for all homeless transportation costs. New York's state plan noted that the transportation costs incurred by homeless students and their families in that state are paid by state social services districts.

Although Iowa's plan did not discuss LEA transportation responsibilities, subsequently-promulgated Iowa regulations state that homeless children cannot be denied access to education on the basis of a lack of transportation and establish a complicated system to govern the provision of transportation services to the homeless. According to these regulations, Iowa homeless children who attend school in the LEA of residence are entitled to the same transportation services as non homeless children. If children attend school in the LEA of origin and this LEA is contiguous to the LEA of residence, the LEA of residence must either provide the necessary transportation or pay the child's parent the *pro rata* cost incurred in transporting the child to and from a stop on a regular school bus route, where the child will be transported from that stop to school by the LEA of origin. If the child attends school in the LEA of origin, and that LEA is not contiguous to the LEA of residence, the child is only entitled to transportation services from the LEA of residence if the LEA has an "established route that passes through or terminates" in the LEA of origin. *See* Iowa Administrative Code r. 281-33.10(1),(2).

Nine state plans[55] included a variety of transportation-related recommendations to LEAs. Texas noted that LEAs can obtain partial reimbursement for transporting students from areas deemed "dangerous" or "hazardous," even if those areas are within a short distance from schools, and suggested that LEAs consider this practice for homeless students living in areas of the community that may be unsafe. Arizona and Florida suggested that LEAs review existing bus routes to ensure that these routes accommodate the needs of homeless students. Tennessee stated explicitly that the McKinney Act's "best interest" criteria for homeless student enrollment should not be based on the availability of transportation, and encouraged LEAs to use "all community resources" to

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[54] West Virginia's plan refers to state statutory law giving county school boards the authority to provide "adequate means of transportation, including transportation across county lines, for all children of school age who live more than two miles from school...."

[55] Arizona, California, Florida, Kentucky, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin.

provide transportation once a placement decision is made. Pennsylvania also suggested that LEAs investigate and use a variety of methods to ensure transportation for homeless students, and South Dakota recommended that LEAs (with the assistance of the SEA) research state, federal, local and private sources of funds to provide necessary transportation services[56]. In Kentucky's plan, the SEA urged LEAs to utilize various transportation alternatives; subsequently-enacted Kentucky regulations stated that LEA homeless education coordinators are responsible for helping homeless students meet their transportation needs. Wisconsin recommended that LEAs develop transportation policies and procedures to ensure homeless students attend school and enjoy continuity of instruction. California's plan suggested that LEAs adopt criteria for homeless placement decisions, and include transportation among these criteria.

Fifteen states[57] described additional existing or planned state-level work on transportation issues. New Jersey's plan referred to the SEA's continued advocacy for the passage of pending homeless education legislation, including the transportation provisions described above, and SEA plans to implement regulations interpreting this legislation. Pennsylvania's plan proposed that the SEA reimburse LEAs of origin for expenses incurred in providing transportation to students living within ten miles of the LEA, and also stated that the SEA would conduct an assessment of the transportation needs of homeless students and, in conjunction with other state departments, produce a system analysis of existing county-level transportation systems. Massachusetts noted that the SEA had filed state legislation to reimburse LEAs for the costs of inter-district transportation of homeless students. Other states described SEA plans to confer with officials responsible for transportation planning or otherwise investigate transportation alternatives (including sources of funding)[58] and to provide memoranda, directives or other technical assistance for LEAs on this issue[59].

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[56] South Dakota also recommended that LEAs use this approach in seeking funding for appropriate clothing, materials and supplies for homeless students.

[57] Alaska, Arizona, Florida, Indiana, Iowa, Massachusetts, Michigan, Minnesota, New Jersey, Pennsylvania, South Dakota, Texas, Utah, West Virginia, Wisconsin.

[58] Arizona, Florida, Indiana, Iowa, New Jersey, Texas, Utah, West Virginia.

[59] Alaska, Iowa, Michigan, Minnesota, New Jersey, South Dakota, West Virginia, Wisconsin.

H. Did the SEA Contemplate the Review and Potential Revision of the State Plan and Its Provisions?

[See TABLE 8]

Ten states[60] expressly provided for or implied an upcoming review and possible revision of the state plan for educating homeless children. Alaska, Massachusetts and Pennsylvania evidenced an intent to rely on SEA advisory committees or task forces to carry out this duty, by noting that these groups would be consulted in any decision to revise all or part of the state plan. Similarly, Connecticut stated that it would rely in part on outreach to interested persons and organizations in determining whether provisions of that state's plan should be revised. Few states described detailed criteria for the plan revision; an exception was Utah, which indicated that its plan would be reviewed within one year and judged according to the extent of LEA awareness of issues concerning homeless students, the coordination and ease of homeless student enrollment, the availability of model programs, and the status of residency laws, transportation and records transfer problems as barriers to educational access.

Other SEAs indicated that the progress made by local districts and/or the SEA in carrying out state plan provisions would be reviewed, but failed to indicate whether this information would be used to revise the plan itself.[61] In some cases -- Alaska (which specifically indicated a revision of its plan), Georgia, Maryland, New York, North Dakota, Pennsylvania (which specifically indicated a revision of its plan), Tennessee, Texas, Utah and West Virginia -- plans carried dates for a specific period of time (1989-91, for example), thus leaving open the possibility that new or revised plans would be prepared in future years, perhaps after Congress determines the existence, duration and scope of SEA obligations in any upcoming reauthorization of the McKinney Act, now set to expire at the end of FY 1990.

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[60] Alabama, Alaska, Connecticut, Illinois (dispute resolution procedure specifically), Kentucky, Massachusetts, New Mexico, Pennsylvania, Texas, Utah.

[61] Arizona, California, District of Columbia, Indiana, Michigan, Montana, New Jersey, Oregon, South Dakota.

I. Miscellaneous Provisions

[See TABLE 9]

States described a variety of activities that did not fit neatly into any of the categories discussed above. To the extent allowed by the Center's data base system, these activities have been summarized in Table 9, "Miscellaneous State Plan Provisions." The most notable miscellaneous activities concerned planned or ongoing tasks by SEAs, including monitoring LEAs for compliance with the state plan, providing training and technical assistance, disseminating information about model programs or practices, conducting outreach campaigns to homeless families or other public information activities, and SEA participation in state-level interagency activities concerning the needs of homeless persons. Miscellaneous LEA activities of particular note include California's recommendation that LEAs write their own local plans for educating the homeless and conduct LEA reviews of school compliance with those plans. Other states suggested that homeless children might be formally designated as "at risk" and thus eligible for services provided to this population.

III. Analysis

A. State Plans and SEA Policy Choices

In analyzing these plans as declarations of state policy, Center staff intended: (1) to discover how states, having gathered information about the barriers to educational access for homeless school-aged children, would choose to address those barriers in the creation and implementation of state plans; (2) to determine state compliance with the requirements of the McKinney Act; and (3) to evaluate whether state plan provisions seemed responsive to the needs of LEAs and homeless families, as identified in state data gathering and through other sources. This analysis sought to answer the following questions:

- Did the plans satisfy the requirements of the McKinney Act's state plan provision, 42 U.S.C. §11432(e)?;
- Did the plans address those issues that, while not statutorily mandated, are nevertheless relevant to any policy decisions concerning the rights of homeless students?;
- How did state plans reflect SEAs' view of the role of homeless parents?

1. Statutory Requirements of the McKinney Act

In general, state plans met at least the bare minimum requirements of the McKinney Act, addressing (if at times in truncated fashion) the four criteria -- the need for a decision-maker for enrollment decisions; the identification of a dispute resolution mechanism; the provision of services; and the maintenance and transfer of school records -- set out in the Act. Problems with and significant exceptions to compliance with these statutory mandates did exist, however. In a few cases, SEAs failed to address state plan criteria, despite the specific inclusion of these mandates in the McKinney Act. Often, state plans recited or paraphrased McKinney provisions, but failed to provide elaboration as to how the plan's policies would be put into practice. Other states merely recommended or suggested certain changes in LEA practice when, in the opinion of Center staff, a stronger directive would have been appropriate and more in the interest of homeless students.

The need for a decision-maker: Sixteen plans, reflecting an ambiguity in the statute itself[62], failed to specify whether the selection of "the LEA" as decision-maker was intended to refer to the LEA of origin or the LEA of residence. Secondly, New York's plan was framed in the context of state regulations that restrict the definition of "homeless" children to those who receive public assistance. By adopting this definition in its state plan, New York failed to address the rights of homeless children who do not meet the state regulatory definition -- most notably runaways or other unaccompanied homeless youths not receiving government aid. New York addressed the needs of these students only in passing, by stating that the rights of homeless youngsters not covered by the regulation was a "goal" of the SEA. Puerto Rico's plan did not identify a decision-maker for homeless student enrollment, opting instead to delay appointing a decision-maker until a promised October, 1989 directive to LEAs. Although Indiana included in its plan existing state legislation that permitted LEAs to continue to allow students who move to attend school in their former district until the end of the school year, Indiana failed to clearly specify whether this statutory scheme should be utilized for all homeless students who moved from one district to another, pending the release of a December, 1989 policy statement by the SEA.

Identification of dispute resolution mechanism: The majority of state plans made reference to or briefly described due process procedures, but failed to set out the scope and extent of these processes in detail. Thus, it is virtually impossible to come to any overall conclusion as to the apparent usefulness of these procedures. Often, state plans

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[62] *See* 42 U.S.C. §11432(e)(3).

omitted details regarding dispute resolution -- twenty-seven of thirty-five failed to specify where a homeless child would attend school pending the resolution of a dispute, and twenty-five of thirty-five failed to include a time frame for dispute resolution. Of the eight states specifying where a homeless child whose placement is in dispute will attend school until the dispute is resolved and the ten providing a time line for dispute resolution, only Illinois included both criteria[63].

These omissions are problematic. As a matter of state policy, SEAs should specify a child's location during the pendency of disputes and provide parents and LEAs with information as to how long it will take for these conflicts to be resolved. Definitive direction from SEAs could help to prevent ad hoc local determinations, and guard against the possibility that students might remain out of school altogether while being denied access in both the LEA of origin and the LEA of residence.[64] In addition, if homeless parents are to make informed decisions about bringing placement disputes to due process, they need to know where their children are entitled to enroll and what time limits govern dispute resolution procedures.

Maintenance and timely transfer of records: The inability to obtain timely transfer of school and health records has long been recognized as a barrier to educational access for the homeless. Pre-McKinney reports by shelter providers and advocates regarding the adverse affect on homeless students whose enrollment is conditioned on the presentation or receipt of complete records have been borne out by SEA and LEA data gathering. For example, in December, 1989, sixteen states told ED that the lack of school records was among the top five barriers to educational access for homeless students; eleven states reported that delays in transferring records are among the top five barriers.[65]

Despite this evidence, five of the thirty-five plans reviewed for this report failed to give LEAs any guidance regarding good practices in the maintenance and transfer of homeless student records. In some cases, states remained silent despite information

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[63] Even the Illinois plan lacked detail in its dispute resolution provisions, however, noting that the SEA McKinney coordinator would attempt to resolve disputes in five days, but indicating that additional details regarding a "complaint management" system would be released in August, 1989. In addition, although the plan specified a homeless child's placement pending the resolution of a dispute beginning in the 1990-91 school year, it was silent as to the placement of these children for the 1989-90 academic year.

[64] *See* Delgado v. Freeport Public School District, 499 N.Y.S.2d 606 (N.Y. Sup. Ct. 1986) a pre-McKinney case, in which both the LEA of residence and the LEA of origin refused to admit the plaintiffs, each contending that the plaintiffs belonged in the other district; *see also* Orozco v. Sobol, 674 F. Supp. 125 (S.D.N.Y. 1987), in which the plaintiff was initially refused enrollment in both the LEA in which she remained for one night upon arriving from Puerto Rico, and the LEA of her temporary residence.

[65] *See* U.S. Department of Education, Report to Congress, *supra* note 12, at 10.

about the magnitude of the records problem in their jurisdiction. For example, although the Virginia SEA knew at the time it wrote the state plan that delays in records transfers was the single biggest obstacle to education faced by homeless students[66], thus indicating the existence of problems at the local level, the SEA chose to say only that LEAs should "make every effort" to carry out the timely transfer of records. Although New York's pronouncement that homeless students will be considered "residents for all purposes" in the district in which they enroll seems to encompass school records issues, the plan fails to discuss whether existing records practices need to be modified for homeless students. Only three states -- Iowa (in regulations not included in the state plan), Massachusetts and Pennsylvania -- issued an unequivocal prohibition against refusing to admit homeless children who are without their prior records; two others -- Alaska and Illinois -- pledged to inform LEAs of existing state laws and policies prohibiting denial of access due to a lack of school or (in the case of Alaska) health records. This deficiency is particularly disappointing in light of the fact that records problems can to some extent be addressed without significant monetary expenditures. As with other policy lapses, SEA failure to provide direction to LEAs also harms homeless families and children, as it is unlikely that homeless students who are refused access until records are obtained or arrive will return to school.

The provision of comparable services: Access to services such as basic and remedial education under the Chapter 1 program, special education, bilingual education, and school meals is particularly critical for homeless students, who often struggle to overcome significant disruptions and variations in the quality of their schooling.

As with records transfer, however, some states failed to go beyond the bare minimum requirements of the McKinney Act when devising state policy for the provision of services to homeless students. Eight states merely recited or paraphrased McKinney language regarding educational services without elaboration. New York's "residents for all purposes" language creates an ambiguity about educational services identical to that regarding the transfer of school records, discussed *supra*.

Other states failed to issue the strong policy directives that seem appropriate to address the access problems associated with school records. Although some plans provided helpful suggestions for LEAs in ensuring that services are provided, SEAs could have characterized these suggestions -- the Indiana recommendation that LEAs

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[66] *See* Commonwealth of Virginia, Status Report (to the U.S. Department of Education) -- Education of Homeless Children and Youth Under the Stewart B. McKinney Homeless Assistance Act (12/29/88).

appoint liaisons responsible for the provision of services, for example -- as directives.[67] Only Arizona, the District of Columbia, Kentucky and Tennessee imposed real mandates on local personnel to take affirmative steps to coordinate or provide assistance for homeless students. While LEAs may benefit from SEA work on this issue, including monitoring, it seems advisable and appropriate for SEAs to establish, up front, clear and definitive requirements to which LEAs will be held.

2. Omission of Non-Statutory, But Relevant Policies Regarding the Rights of Homeless Students

States were generally less comprehensive in establishing policies to respond to issues which, while not specifically included in the McKinney Act, are relevant, logical components of SEA policies for the homeless. The most significant policy gaps were in two key areas: the lack of criteria governing the "best interest of the child" standard for homeless student enrollment decisions; and the failure to include provisions to ensure that homeless students are provided school transportation services.

The "best interest" criteria: The McKinney mandate that homeless students be enrolled in the district that is in their "best interest" was intended to alter LEAs' pre-McKinney practice of determining these youngsters' right to enroll solely in accord with local interpretations of state school residency laws. As at least some LEAs may have been unfamiliar with applying the "best interest" standard in the school residency context, guidance from SEAs to LEAs regarding this standard -- such as West Virginia's inclusion of the continuity of instruction, transportation needs, the age of the child and the area of the family's housing search among its criteria -- seem appropriate and useful. Twenty-one of thirty-five plans reviewed for this report, however, failed to include any criteria to aid LEAs and others in determining which educational placement would be in a homeless child's best interest. This omission is particularly unfortunate because it creates the possibility that LEAs -- overwhelmingly selected by SEAs to be the decision-makers for homeless student enrollment -- will be make these determinations without the aid of any uniform guidelines.

By remaining silent on best interest criteria, SEAs ignored an opportunity to provide valuable information to homeless parents. SEA failure to provide criteria to govern such decisions, especially when those decisions are made by LEAs, increases the likelihood that LEAs may make determinations in accord with what is in the *LEA's* best

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[67] *See, e.g.* Kentucky regulations, which require the appointment of an LEA liaison in each district, and include ensuring that adequate services are provided among that liaison's responsibilities. 704 Ky. Admin. Regs. §7:090, §2(c).

interest, on the basis of administrative convenience or cost, rather than by giving sole consideration to the best interests of a homeless child. When SEAs omitted best interest factors, they deprived homeless parents of an objective standard to which decision-makers can be held, and thus made it more difficult for parents to challenge enrollment decisions with which they disagree.

The importance of transportation: The unavailability or inadequacy of school transportation is another significant and long-recognized barrier to homeless student enrollment. In addition, as with records transfers, this is a problem that does not seem to have been alleviated by any changes in state and local practice since McKinney's enactment. In 1989 reports to ED, twenty-eight states identified the lack of transportation as one of the top five barriers to education for the homeless; *more SEAs placed transportation problems in the top five than any other problem.*[68] Thus, it seems almost incomprehensible that eleven state plans would omit altogether the need to provide transportation to homeless school aged children, that more than half of the state plans would fail to include any concrete suggestions to LEAs as to how to deal with this problem, and that only Connecticut, Iowa (in regulations promulgated after the state plan), Massachusetts, New Jersey, New York, and West Virginia have developed policies that include specific mandates concerning the transportation rights of homeless students.

SEAs cannot properly ignore the fact that transportation services are often essential for homeless students, even if meeting this need may require fundamental alterations in the way LEAs have traditionally provided this service. As long as homeless students attend school in LEAs in which they do not reside, live in areas of the community that are outside normal bus or public transportation routes, or live in areas that are unsafe, state and local educators must step in to ensure that these children get to school. The obligation to provide transportation is an essential part of the educators' compliance with the best interest enrollment standard. The failure to do so, as borne out by 1989 state data reports and the 1990 ED Report to Congress, virtually guarantees the continued inability of homeless students to obtain and maintain access to the classroom.

3. State Plans and Their Provision for a Parental Role

Most state plans did not appear to consider parents as full partners in decisions concerning the education of homeless children. Only Massachusetts, New York and West Virginia gave parents the absolute or predominant right to choose where their children will attend school; a mere handful of additional states have structured the

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[68] *See* U.S. Department of Education, Report to Congress, *supra* note 12, at 10.

decision-making process in such a way as to provide parents with an equal voice. SEAs decided to designate educational agencies as decision-makers for homeless student enrollment even though many of the criteria properly within the scope of a best interest analysis -- the family's intent and potential to return to the LEA of origin, for example -- are best known to parents.

In addition, SEAs relegated parents to lesser status by failing to be more concrete and definitive about what the state expects from LEAs in addressing the various ancillary barriers to enrollment for the homeless. As detailed above, when SEAs: fail to direct decision-makers to consider parental preferences in making enrollment decisions; neglect to include specific best interest criteria in state plans; write vague due process provisions; decline to provide guidance and direction to LEAs in the provision of services and the maintenance and transfer of school records; and ignore the problems raised by inadequate transportation, they add to the already significant burden of homeless parents and increase the likelihood that these parents will become or remain uninvolved in essential decisions concerning their children's education.

B. Responsibilities of the U.S. Department of Education

The McKinney Act requires the U.S. Department of Education (ED) to "monitor and review compliance" with the Act's education provisions in accord with the General Education Provisions Act.[69] ED stated that it would "review [state] plan(s) to ensure that the issues set forth in the Act are addressed[70]." Almost since McKinney's passage, however, ED has been criticized by some advocates for its apparent passive,

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[69] *See* 42 U.S.C. §11434(b)(1), *see also* the General Education Provisions Act, or "GEPA," at 20 U.S.C. §1221 *et seq.* and implementing regulations at 34 C.F.R. Parts 75, 76, 78, 81. Under GEPA, ED has the authority to enforce compliance with laws applicable to federally-funded programs through withholding payments of federal monies, issuing complaints to compel compliance through "cease and desist" orders, entering into compliance agreements with recipients of federal funds or taking any other action authorized by law. *See* 20 U.S.C. §§1234, 1234c, 1234d, 1234e, 1234f, *see also* 34 C.F.R. §76.900, 34 C.F.R. Parts 78, 81. GEPA also authorizes ED to provide "advice, counsel and technical assistance" to SEAs upon request. *See* 20 U.S.C. §1231c. Finally, GEPA establishes ED as the place of ultimate review for GEPA administrative complaints (called "EDGAR" complaints) first heard at the state level. *See* 34 C.F.R. §76.781.

[70] *See* 1987 ED Nonregulatory Guidelines, *supra* note 5 at F.2, "What Action Does the Department of Education Take with Respect to the State Plan?".

reactive stance in implementing the homeless education program.[71] In the opinion of Center staff, these criticisms are well taken in the context of ED's role in the review and approval of state plans.

ED's minimal approach to state plans was first reflected in its initial "nonregulatory guidance" to states, which, except for urging SEAs to give deference to the view of parents, merely restated the McKinney Act in response to the question "What Provisions Must be Included in the State Plan?"[72] In the review process itself, ED initially rejected a majority of state plans as inadequate, but its letters to SEAs generally failed to provide any detailed critiques of the provisions ED found problematic. Secondly, ED approved plans that include provisions that seem at odds with the McKinney requirements -- New York's restrictive definition of "homeless" children, for example -- as well as plans that did not specifically answer the questions posed by the statute, but only promised the future release of policies to address these issues. ED's actions in approving these plans is particularly disturbing, as state plan requirements were known to SEAs since November, 1987, *almost two and a half years prior the deadline for submitting state plans.*

In addition, in carrying out its duties, ED apparently neglected to go beyond mere "paper" compliance to consider whether state plan requirements were *actually* designed to address the problems known to SEAs through their data gathering and other means. ED accepted plans that merely recited or paraphrased McKinney provisions, without providing additional guidance to educators, parents and others as to how those provisions would be realized. There is no evidence that ED conducted any kind of qualitative review to determine, for example, whether dispute resolution mechanisms were adequate, as opposed to approving a plan if it merely had a dispute resolution mechanism. ED apparently did not consider whether the purposes of the statute could actually be carried out, and whether barriers to education would actually be addressed, by the policies reflected in state plans.

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[71] *See* National Coalition for the Homeless v. U.S. Department of Education, CA No. 87-3512 TFH (D.D.C. filed Dec. 28, 1987; stipulation of settlement and dismissal Jan. 21, 1988) (ED challenged for alleged unwarranted delay in implementing the education provisions of the McKinney Act; as part of settlement, ED agreed to urge states to make early applications for the first round of McKinney funds).

[72] *See* 1987 ED Nonregulatory Guidance, *supra* note 5 at F.1; *see also* note 31, *supra.*

IV. Conclusions and Suggestions

Much of what is contained in state plans for the education of homeless children and youth reflects good educational policy and innovative responses to the hard questions posed by the problems of these vulnerable students. In addition, as noted *supra* at page 6, states may have supplemented these plans by changing state school residency laws, regulations or policies, or by developing programs designed to assist homeless students. As the primary vehicle for the declaration of state policy on this issue, however, in some sense state plans must stand alone. It was therefore disappointing to read plans that seemed to address McKinney requirements in only a superficial manner, or that neglected to give adequate information to LEAs and homeless families as to how the plan should be implemented[73]. In addition, even the best plans were marred by inadequacies, or by state policy decisions that seem counter to the needs of homeless children and their parents.[74]

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[73] For example, Virginia's plan merely said that "LEAs" would make homeless student placement decisions, without specifying whether this designation was intended for the LEA of origin or the LEA of residence; stated that the view of homeless parents should be taken into account "to the extent practicable" but provided no other criteria for making enrollment decisions in the child's best interest; allowed LEAs to develop their own dispute resolution mechanisms without mandating any time lines or uniform state standards, except that the disputes be considered, as a "last step" by local school boards; failed to specify the location of a homeless child during the pendency of disputes; offered no additional guidance to LEAs regarding the provision of services to the homeless; stated only that LEAs shall "make every effort" to maintain school records so that they are readily available when homeless children move; included nothing regarding any potential review or revision of state plan provisions; and was silent concerning any other potential state activities, such as monitoring, training, technical assistance or the dissemination of information.

[74] For example, the Massachusetts SEA submitted one of the most comprehensive plans, answering nearly every question posed by this issue, and including pro-student policies such as parental choice and enrollment upon demand for homeless children, even if they arrive at school without prior academic records. Massachusetts failed, however, to come up with a viable solution about transportation when it required parents, who under state policy may choose to enroll their children in the LEA of origin, to provide transportation to the LEA of origin. Similarly, Massachusetts made inexplicable policy distinctions between the rights of homeless students who move from one LEA to another and those students who move within an LEA, often giving less extensive protection to the latter.

If SEAs choose or are mandated through future reauthorization of the McKinney Act[75] to revise state plans, they should consider adopting the more progressive policies of their sister states. As a start, states might expand their definitions of who is "homeless" for the purposes of the plan, in order to encompass at least those children who are "doubled up" with friends and relatives. SEAs might also consider requiring LEAs to carry out certain activities, such as writing LEA-level plans for homeless students, designating an LEA staff person as primarily responsible for ensuring homeless students are educated, and establishing LEA-based interagency or interdisciplinary teams to deal with the myriad problems of homeless school-aged children. SEA monitoring of local compliance with state policies would also be appropriate and useful.

States need to adopt more liberal policies and procedures regarding the specific issues of enrollment decisions (including explicit provisions regarding parental choice), dispute resolution, records policies, the provision of services and transportation. More states should -- as did Massachusetts, New York and West Virginia -- allow homeless parents to choose where their children will attend school, or, as did Arizona, Tennessee, Texas and Utah -- adopt procedures designed to make homeless parents equal partners in this decision. States should adopt specific but expansive criteria to aid in determining a homeless child's "best interest," including at a minimum the parents' wishes, continuity of instruction, transportation issues, the time remaining in the school year, and the area of the family's search for permanent housing.

SEA homeless dispute resolution mechanisms should be informal enough to ensure they are useful for parents who may not have access to an attorney and who may be intimidated by school officials and embarrassed by their homelessness, yet formal enough to provide homeless families with essential due process rights. These procedures should also include short, definitive time lines to govern the resolution of disputes, and provisions for the child's location while the dispute is pending.

Homeless children would be well-served by plans that specifically prohibit LEAs from refusing to admit homeless students due to a lack of academic records, suggest strategies for LEAs to obtain needed records information in a timely and efficient manner, and seek to ensure that those students who are not immunized can obtain the necessary vaccinations without cost or inconvenience. If homeless students continue to be excluded from school due to delays in records transfer, more states might follow Maryland's lead in devising an SEA-based system for tracking these students and

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[75] As stated *supra* at note 4 and page 23, the McKinney Act has been authorized through FY 1990. As this report goes to press, efforts are underway to reauthorize the statute for FY 1991 and beyond. Congress could, of course, choose to strengthen the Act in any number of ways, including adopting policies like those recommended in these "conclusions and suggestions," thus creating new mandates for ED, state and local officials.

retaining essential academic and health information. SEAs should also provide local educators with more guidance and specific suggestions regarding the provision of appropriate educational services to the homeless.

It is perhaps most important that SEAs establish definitive and responsive policies to meet the transportation needs of homeless students and ensure that transportation problems will not preclude educational access. All options -- including requiring LEAs to provide transportation, exploring the provision of or payment for transportation by other state agencies, designating special state funds for extraordinary transportation expenses, and modifying state school transportation reimbursement schemes -- must be explored.

Finally, the U.S. Department of Education must take a more active and aggressive role in monitoring and ensuring the effective implementation of the McKinney Act. ED should conduct a substantive analysis of state plans and determine whether plans can adequately meet the primary goal of the Act -- to "assure that each child of a homeless individual and each homeless youth [has] access to a free, appropriate public education which would be provided to the child of a resident of a State...."[76] -- and move away from the type of limited, technical review that appears to have characterized ED enforcement activities to date. ED should provide more support and technical assistance to all states, and make a special effort to work with those SEAs whose plans are inadequate or in whose jurisdictions homeless children continue to confront barriers to enrollment. ED should live up to its leadership responsibilities by: determining whether and to what extent state and local educational agencies are satisfactorily addressing the problems of homeless students; publicizing that information to Congress, SEAs, LEAs and the public (including homeless persons and their advocates); and taking all feasible and necessary steps to ensure that the hundreds of thousands of homeless, school-aged children in this country enroll and succeed in school.

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[76] 42 U.S.C. §11431(1).

APPENDIX: STATE PLANS REVIEWED FOR THIS REPORT

Arizona	Plan for the Education of Homeless Children and Youth
Alaska	Title VII-B, Stewart B. McKinney Homeless Assistance Act, Access to Education for Homeless Children and Youth: State Plan, 1988-93
Arizona	State Plan for the Education of Homeless Children and Youth in Arizona
California	A State Plan to Educate California's Homeless Children and Youth
Colorado	State Plan for the Education of Homeless Children and Youth
Connecticut	State Educational Agency Program for Education of Homeless Children and Youth
Delaware	State Plan Revisions
District of Columbia	State Plan for the Education of Homeless Children and Youth
Florida	Public Education Access for Children of the Homeless
Georgia	A Vision for Homeless Children: Georgia's Plan for the Education of Homeless Children and Youth, 1989-91
Illinois	State Plan for the Education of Illinois Homeless Children and Youth
Indiana	Department of Education, Stewart B. McKinney Homeless Act, Children and Youth, State Plan and Supplemental Components to Indiana State Plan
Iowa	Proposed State Plan for the Education of Homeless Children and Youth in Iowa
Kentucky	State Plan for the Education of Homeless Children and Youth
Louisiana	State Plan for the Education of Homeless Children and Youth
Maryland	Annual State Plan, Program Year 1989-90: Education for Homeless Children and Youth
Massachusetts	Department of Education: Educational Services for Homeless Children and Youth
Michigan	Department of Education: State Plan for the Administration of the Education of Homeless Children and Youth Program
Minnesota	State Plan for the Education of Homeless Children and Youth

Missouri	Meeting the Education Needs of Missouri's Homeless Children
Montana	State Plan for the Education of Homeless Children and Youth
New Jersey	The Education of Homeless Children and Youth in New Jersey: A Plan for State Action
New Mexico	State Plan for the Education of Homeless Children and Youth
New York	The New York State Plan for the Education of Homeless Children and Youth, 1989-1991
North Dakota	Annual State Plan for the Education of Homeless Children and Youth, Program Year 1989-90
Oregon	Department of Education: Education of Homeless Children and Youth
Pennsylvania	Homeless Student Plan, 1989-90
Puerto Rico	State Plan Revisions
South Dakota	State Plan: Education of Homeless Children and Youth
Tennessee	1989 State Plan for the Education of Homeless Children and Youth
Texas	The Texas State Plan for the Education of Homeless Children and Youth, 1989-90
Utah	State Plan for the Education of Homeless Children and Youth, 1989-90
Virginia	Department of Education: State Plan for the Education of Homeless Children and Youth
West Virginia	Department of Education: Proposed Plan for Education of Homeless Children and Youth, 1989-90
Wisconsin	State Plan for the Education of Homeless Children

TABLE 1
State Definitions Of "Homeless" Children And Youth

State	Definition
Alabama	McKinney
Alaska	McKinney
Arizona	McKinney
California	McKinney
Colorado	Nothing specific in plan; presumably McKinney
Connecticut	McKinney
Delaware	Nothing specific in plan; presumably McKinney
Dist. of Colum	McKinney
Florida	McKinney
Georgia	McKinney
Illinois	McKinney
Indiana	Recites McKinney + says this definition also includes those "doubled up," in inadequate housing, living in tents or out of campers.
Iowa	McKinney + doubled-up w/friends or relatives, & "quasi-homeless" such as those living in tents.
Kentucky	McKinney + living temporarily w/others due to homelessness, living in foster homes, runaway shelters or domestic violence shelters & waiting for social services
Louisiana	McKinney
Maryland	McKinney
Massachusetts	McKinney + living in domestic violence shelters or "doubled up" with friends and relatives
Michigan	Nothing specific in plan; presumably McKinney

TABLE 1 (Continued)

State	Definition
Minnesota	McKinney
Missouri	McKinney
Montana	McKinney
New Jersey	McKinney
New Mexico	McKinney + doubled-up w/friends or relatives, & persons living in places that lack the "fundamental necessities" of water, heat, electricity & sanitation.
New York	Homeless child (including temporary living situation), who is (individually or as member of family) receiving assistance from social services district.
North Dakota	McKinney
Oregon	McKinney
Pennsylvania	McKinney + living in domestic violence shelter, living with friends/relatives due to lack of housing, runaways, migrants
Puerto Rico	Nothing specific in plan; presumably McKinney
South Dakota	McKinney
Tennessee	Nothing specific in plan; presumably McKinney
Texas	McKinney + w/friends or relatives, in shelter awaiting institutionalization, adoption, foster care, etc.
Utah	McKinney + necessarily living w/friends or relatives, runaways, children abandoned or forced out of home, migrants w/out adequate housing
Virginia	Nothing specific in plan; presumably McKinney
West Virginia	McKinney + doubled-up w/friends or relatives, runaways & throwaways, including those "awaiting assistance" from social service agencies, & children of migrants
Wisconsin	McKinney

TABLE 2
Decision Maker For Homeless Student Enrollment

State	Decision Maker
Alabama	LEAs
Alaska	SEA, in accord with existing law permitting students to attend school outside LEA of residence when SEA Commissioner determines "best interests of the state will be served." SEA to establish procedure for hless kids to petition to attend LEA of choice.
Arizona	Plan envisions consensus decisionmaking by parents, LEA(s) & social services caseworker for family. Caseworker preferably plays lead role. If no consensus, LEA existing dispute resolution process utilized.
California	LEAs, in compliance with existing state procedures that allow parents to petition for their kids to attend school outside the LEA of residence.LEAs encouraged to adopt policy stating that hless kids can attend in LEA of origin if in child's best interest.
Colorado	LEAs. Principal responsibility for enrollment decisions rests w/LEA of origin.
Connecticut	LEA of origin.
Delaware	Legislation and/or procedures to be developed to authorize LEAs as decision-makers, "in cooperation with" parents/guardians of homeless kids.
Dist. of Colum	Parents if change occurs during school year; principals & regional superintendents if request is to continue prior year's placement at beginning of following year. Request granted if it is "clear" that to do so would provide continuity of instruction.
Florida	LEAs, presumably in compliance with 1989 state statute mandating enrollment in district of residence & existing attendance waiver policies.
Georgia	LEA "of each homeless child and youth."
Illinois	SEA & LEAs "in concert with parents, guardians or persons in parental relationship" to homeless students. SEA will issue a "legal advisory" re: state guardianship, residency & compulsory attendance laws (targeted date 9/89).

TABLE 2 (Continued)

State	Decision Maker
Indiana	Not stated explicity in plan; to be determined & distributed to LEAs in a legal advisory by 12/89. But, existing state residency law includes provision authorizing LEAs to continue the enrollment of a student who moves until the end of the school year.
Iowa	LEA where child where child actually resides.
Kentucky	LEA where child resides; LEA "encouraged to give deference" to parental choice.
Louisiana	LEAs. LEAs give "deference" to wishes of parent/guardian, child, social worker "to the extent praticable."
Maryland	LEAs, according to LEA policies based on SEA guidelines. SEA recommends that views of parent/guardian, child, & shelter provider "be taken into account" by LEAs.
Massachusetts	Parents in inter-district transfers; LEA in intra-district transfers, LEAs in these cases "strongly urged" to abide by parental choice. If permanent housing found outside of district, LEA "encouraged" to permit continued attendance until end of school yr.
Michigan	State-level "jurisdictional ombudsman"; SEA to develop guide re: residency laws and enrollment policies & disseminate to LEAs & other agencies by 8/90.
Minnesota	LEA "of homeless child"
Missouri	LEAs (not specified as to which LEA); LEAs "requested" to appoint local homeless coordinator to perform this function
Montana	LEA "of each homeless child."
New Jersey*	LEA of origin, after consultation w/parent or guardian of homeless child.
New Mexico	LEAs

*Although the New Jersey plan uses the phrase "district of residence" in identifying the enrollment decision-maker, the plan defines this term as the LEA in which the child last resided before becoming homeless -- the definition used by this report for "LEA of origin."

TABLE 2 (Continued)

State	Decision Maker
New York	Parent for students receiving public assistance; not clear for students not receiving public assistance
North Dakota	LEAs. SEA "strongly recommend[s]" that LEAs consult parents/guardians, hless youth, social workers & "other concerned parties" in making enrollment decisions. SEA to request that LEAs adopt enrollment policies that include "best interest" standard.
Oregon	LEAs
Pennsylvania	"Cooperative efforts" of LEAs; each case requires an "individualized response"
Puerto Rico	Not clear from plan; SEA to send memo to LEAs re: McKinney determinations by 10/89.
South Dakota	"The LEA" (not specified as to which). LEAs "urged" to "give deference" to choice of parents, youth, social worker and "other concerned parties." SEA Supt. of Elem. & Secondary Ed. "has the authority" to make school assignments "when necessary."
Tennessee	"Homeless placement team," including LEA staff, shelter staff, parent/family advocate, health dept. This placement team meets to determine long-term placement within two weeks of referral.
Texas	Parents if child to be enrolled in LEA of residence; Parent/LEA of origin/LEA of residence jointly if child is to be enrolled in LEA of origin. If no consensus and no appeal, child enrolled in LEA of attendance.
Utah	Parents if child to be enrolled in LEA of residence, parent/LEA of origin/LEA of residence jointly if child to be enrolled in LEA of origin. If no consensus, assumed that enrollment in LEA of attendance is in best interest.
Virginia	LEAs (not specified as to which); LEAs give deference to parental choice "to the extent practicable."

TABLE 2 (Continued)

State	Decision Maker
West Virginia	Parents of homeless children.
Wisconsin	LEAs. Parents "should be involved" in placement decisions.

TABLE 3
"Best Interest Of The Child" Criteria

State	BIOC Criteria
Alabama	None stated
Alaska	None stated in plan; SEA to devise & disseminate procedure for homeless students to contend placement is in their best interest.
Arizona	Cost and convenience of transportation; speed; broad range of input re: needs of the child, including consultation w/parents & caseworker.
California	SEA recommends that LEAs establish BIOC criteria, including (at minimum) continuity of instruction,program quality, access to special programs/services, availability of transportation, parental preferences.
Colorado	None stated
Connecticut	None stated in plan.
Delaware	None stated
Dist. of Colum	Request for out-of-attendance area enrollment granted if giving permission will provide homeless student with "continuity of instruction."
Florida	None stated in plan, but LEAs are "encourage(d) ... to be sensitive to ...[the] plight" of homeless students in considering attendance waiver procedures.
Georgia	As determined by LEA. SEA guidelines to LEAs suggest LEA consultation w/parent &/or student & consideration of family plans, educational services, special programs, transportation & length of stay in temporary shelter.
Illinois	None stated in plan. SEA will devise & disseminate policy guide re: BIOC criteria by Jan., 1990.
Indiana	None stated in plan. SEA will devise & disseminate guidance to LEAs re: BIOC criteria by 12/89.

TABLE 3 (Continued)

State	BIOC Criteria
Iowa	None stated
Kentucky	Continuity of placement; student's need for special instructional programs; transportation; interdistrict financial agreements; age of student; school placement of siblings; time remaining in semester or school year.
Louisiana	None stated in plan, but LEAs should give "deference" to views of homeless parent, social worker & youth re: what placement is in the child's best interest.
Maryland	None stated in plan, but SEA recommends that LEAs take views of homeless parent, youth & shelter provider into account in making placement decisions.
Massachusetts	Duration & cost of transportation; age of child; special ed. needs; continuity of program; geographical area of permanent housing search; number and age of siblings; length of time remaining in school year.
Michigan	None stated
Minnesota	Determined by LEA. LEAs "encouraged" to establish policy for homeless students' educational placement.
Missouri	None stated
Montana	None stated
New Jersey	Parental preference; continuity of education; need for special instructional programs; transportation and travel time.
New Mexico	None stated. SEA will devise & disseminate guidance re: all homeless policies by 6/90.
New York	None stated
North Dakota	SEA "recommend[s]" that if special need of child cannot be met in LEA of residence,"or if other contingencies exist," child will be educated in either LEA of origin or another appropriate LEA. "Deference should be given to the wishes of the parents."

TABLE 3 (Continued)

State	BIOC Criteria
Oregon	None stated; matters for "extended consideration" by LEAs include how to determine BIOC
Pennsylvania	Views of parents; minimizing disruption; maintaining the "highest possible degree of continuity."
Puerto Rico	None stated
South Dakota	LEA has responsibility to ensure BIOC & deference to parents. If child's "special need" cannot be met in LEA of residence, it is "recommended" that child attend in LEA of origin, including transportation if distance is "within reason."
Tennessee	"Top priority" given to avoiding disruption; original placement to be maintained "whenever possible;" views of parents & agency reps re: best interest will be taken into account. Placement team also contacts child & represents his/her views.
Texas	Services provided, student's success and student's attendance in LEA of origin & whether these factors can be replicated in LEA of residence.
Utah	If parent chooses LEA of residence, or parent and LEAs reach consensus re: enrollment, BIOC assumed. If dispute goes to SEA level, BIOC determined on case-by-case basis.
Virginia	None stated
West Virginia	Child's special ed. needs; continuity of instruction; age of child; transportation & distance of commute to school; area of housing search; months remaining in school yr/term; schools attended by other kids in shelter or temp. residence.
Wisconsin	None stated by SEA. Each LEA should adopt policies & procedures to ensure decisions are made in child's best interest.

TABLE 4
Resolving Disputes Concerning Homeless Student Placement

State	Dispute Resolution Mechanism	Placement Pending Dispute
Alabama	Appeal to LEA Board of Ed. If no resolution (or in inter-LEA disputes), to SEA McKinney coordinator through "federal programs complaint procedure." (Procedure currently under revision & not detailed in plan.)	Nothing stated re: placement pending dispute.
Alaska	Under existing law, if SEA Commissioner approves an out-of-LEA placement, either affected LEA can appeal to SEA Board, which makes a final decision. SEA will establish procedures for students to petition for attendance in LEA of "best interest."	Nothing stated re: placement pending dispute.
Arizona	First through existing LEA dispute resolution procedures, with rights of appeal to SEA.	Child attends school in LEA where s/he is "physically present" pending resolution.
California	Under existing law, parents can request to have child enroll outside LEA of residence & appeal to county bd. of ed. if request denied. SEA & LEAs should review existing dispute procedures to ensure they can appropriately resolve hless placement disputes.	Nothing stated re: placement pending dispute.
Colorado	To SEA McKinney coordinator for mediation. If mediation not successful, coordinator issues written findings. If a party disagrees, can appeal to SEA Commissioner.	Nothing stated re: placement pending dispute.
Connecticut	Appeal to LEA or regional bd. of ed. for hearing, with decision w/in 20 calendar days.Then, to SEA Bd. of Ed. Entire process must be completed w/in 45 calendar days. McKinney coordinator to accept complaints & refer appropriate cases to SEA legal counsel.	Nothing stated re: placement pending dispute.

TABLE 4 (Continued)

State	Dispute Resolution Mechanism	Placement Pending Dispute
Delaware	Each LEA to revise/adopt dispute procedure to resolve complaints w/in 45 days of date filed, and appealable to SEA Board. SEA will develop legislation &/or procedures to require LEAs to review existing procedures to ensure compliance w/McKinney mandates.	Nothing stated re: placement pending dispute.
Dist. of Colum	Investigation & resolution by McKinney coordinator.	Nothing stated re: placement pending dispute.
Florida	Existing procedures under state APA, including written appeal to state Dept. of Administration for hearing before hearing officer w/in as few as 29 days, hearing officer recommmendation to agency & agency decision.	Nothing stated re: placement pending dispute.
Georgia	LEAs devise LEA policies, reviewed & approved by SEA. If not resolved at LEA level, parents can appeal to SEA official, who renders decision w/in 10 days. If still not resolved, to SEA Bd. for final decision. Disputes to be resolved w/in 60 days.	Nothing stated re: placement pending dispute.
Illinois	Appeal to SEA McKinney Coordinator, who attempts to resolve matter within 5 days. If no resolution by coordinator, case is referred to SEA legal counsel for disposition. "Complaint management" system established by 8/89; evaluated in 4/90.	Nothing stated re: placement pending dispute for '89-'90 school year. By 9/90, students to be enrolled in LEA of residence pending dispute resolution.
Indiana	Attempted resolution at LEA level. Then to McKinney Coordinator, who attempts to resolve w/in 10 days. Then to SEA official for "special populations," for review/determination w/in 5 days. SEA distributes procedure to LEAs/service providers by 2/90.	Nothing stated re: placement pending dispute.

TABLE 4 (Continued)

State	Dispute Resolution Mechanism	Placement Pending Dispute
Iowa	Should be resolved at LEA level when possible. If necessary, SEA McKinney Coordinator attempts to "bring parties together" to resolve problems. Formal appeals to SEA Board, using existing admin. procedures.Parents wishes followed "to the extent possible."	Nothing stated re: placement pending dispute.
Kentucky	LEA "encouraged" to provide informal hearing, conducted by local coordinator, wishes of parent followed "if at all possible". If no agreement, then to SEA.	Suggested guidelines for LEAs state hless kids must be "in school" & in appropriate program pending dispute. No other specific mandates.
Louisiana	First through existing LEA due process procedures, then to either SEA McKinney coordinator or SEA legal counsel.	Nothing stated re: placement pending dispute.
Maryland	LEA policies to resolve disputes will be articulated in LEA local guidelines re: homeless students & used to resolve homeless placement disputes. Data re: LEA complaints reviewed by SEA.	SEA recommends that LEAs review procedures to ensure homeless child's education is not disrupted pending resolution of dispute.
Massachusetts	First to regional SEA liaison for homeless students, then to "appropriate staff" at SEA central office, then to SEA legal counsel. (This process also applies to complaints of non-compliance.)	Child remains in school of parents' choice pending resolution of dispute.
Michigan	Disputes will be resolved by SEA-level "jurisdictional ombudsman"; exact procedure for resolving disputes not detailed in plan. Some "periodic follow up" re: disputes will be carried out by SEA.	Nothing stated re: placement pending dispute.

TABLE 4 (Continued)

State	Dispute Resolution Mechanism	Placement Pending Dispute
Minnesota	SEA (McKinney office) resolves disputes; ensures that child attends the school that "best assists them in moving from their homeless condition to succeeding in school."	Nothing stated re: placement pending dispute.
Missouri	Local level resolution developed by LEA coordinator. LEA gives parents written notice of due process procedures. If no agreement at LEA level, SEA Coord. of School Services or designee decides.	Child remains in LEA where first enrolled pending resolution of dispute.
Montana	SEA coordinator will "discuss problems" that arise. Official procedures for dispute resolution will be those already in existance in SEA administrative rules.	Nothing stated re: placement pending dispute.
New Jersey	Existing state appeal process (not described in plan). Proposed legislation would give parent appeal rights & decision from county superintendent w/in 48 hours.	Child attends school in LEA of origin or (if distance prohibitive) in LEA of residence pending dispute.
New Mexico	SEA will review existing procedures for dispute resolution (complaint to SEA must be in writing & state that SEA or LEA has violated federal law or regs) &, by 4/90, determine whether procedures specific to homeless placement disputes are necessary.	Nothing stated re: placement pending dispute.
New York	LEA determines whether it is a district obligated to admit child under SEA regulations. If LEA denies admission, student can appeal to LEA board. If not resolved at LEA level, appeal to SEA for decision by SEA Board or designee.	Nothing stated re: placement pending dispute.

TABLE 4 (Continued)

State	Dispute Resolution Mechanism	Placement Pending Dispute
North Dakota	Existing law provides dispute resolution re:agreements permitting out of LEA attendance on tuition-free basis. LEAs must adopt a dispute policy; SEA recommends 1st to LEA, then to SEA McKinney coordinator, then hearing by SEA Commissioner, then to U.S. ED	Recommended SEA policy states that child remains in LEA s/he attended when dispute initiated pending resolution.
Oregon	SEA coordinator will "assist in inter-district arbitration and negotiations involving students...."	Nothing stated re: placement pending dispute.
Pennsylvania	Complaints accepted through McKinney coordinator's office; individual cases to SEA Legal Counsel and Deputy Commissioner; case-by-case appeal process within SEA to be established	Nothing stated re: placement pending dispute.
Puerto Rico	"Complaint investigator" in SEA legal counsel's office will resolve disputes in accord with existing law, w/in 5 days of receiving complaint.	Nothing stated re: placement pending dispute.
South Dakota	LEAs establish mechanism at local level. If not resolved, to McKinney coordinator & then to SEA Supt. of Elem. & S'dary Ed., who decides based on equality of facilities, wishes of taxpayers, best interests of all students in LEA & of homeless student.	Nothing stated re: placement pending dispute.
Tennessee	Homeless placement team will bring disputes to the attention of SEA McKinney coordinator, SEA Commissioner, & SEA "Homeless Advisory Task Force Committee."	Nothing stated re: placement pending dispute.
Texas	To SEA Division of Complaints and Administration. "To the extent appropriate, existing systems will be used...." LEAs "encouraged" to develop similar policies for intra-district transfers.	Nothing stated re: placement pending dispute.

TABLE 4 (Continued)

State	Dispute Resolution Mechanism	Placement Pending Dispute
Utah	If no consensus reached between parent and LEAs, to SEA "education specialist" for special needs, who decides on case-by-case basis.	Nothing stated re: placement pending dispute.
Virginia	LEAs establish mechanism at local level, must include "last step" appeal to school board. If not resolved at local level, appeal to SEA Superintendent and SEA Board of Education.	Nothing stated re: placement pending dispute.
West Virginia	Existing process -- written appeal 1st to principal/other admin; decision in 10 days;then to county super. - conference & decision in 20;then to county bd. of ed. - decision in 25; then to SEA Super.;impartial review officer if requested - decision in 30.	Nothing stated re: placement pending dispute.
Wisconsin	LEAs to establish dispute policies. If not resolved at LEA level, to SEA Ass't. Supt., who resolves w/in 15 days & can order onsite visit. If still no resolution to SEA Superintendent, using existing admin. procedures. All disputes resolved in 60 days.	Nothing stated re: placement pending dispute.

TABLE 5 (Continued)

State	Records
Georgia	Records (school & immunization) must be available w/in 15 days of enrollment. SEA guidelines suggest that LEAs enroll students upon demand, request records from sending LEAs by phone & request "extension certificate" re:immunization records.
Illinois	SEA to inform LEAs of state law prohibition against excluding students for lack of school records, provide tech. assistance re: inter- and intra-LEA records transfer efforts, & disseminate info. to schools on tracking homeless school & health records.
Indiana	12/89 "communique" to LEAs will note existing requirement that receiving LEA request & "promptly" receive records from sending LEA. LEAs to be encouraged to obtain records info. by phone. SEA to identify or initiate immunization records hotline by 9/90.
Iowa	LEAs must maintain records so that they are available in "timely fashion" when child transfers to new LEA.
Kentucky	LEAs "encouraged" to designate a local coordinator to obtain records; records must be obtained so that student can be enrolled and receive appropriate services w/in 2 days of appearing in LEA.
Louisiana	LEAs to maintain homeless student records "in the same manner" as the records of non-homeless. Records to be made available & transferred "in a timely fashion." Maintenance of school records to be included in SEA monitoring re: Chap.1, EHA, voke ed., etc
Maryland	Included in LEA guidelines. SEA guidelines recommended that homeless students be enrolled upon demand, that receiving LEAs contact sending LEAs by telephone, & that LEAs refer unimmunized students to local health officials & conduct follow-up.
Massachusetts	LEAs must "immediately" admit a homeless child unless the child has not been immunized. LEAs should call prior LEA for school records and immunization records. If possible, homeless children in need of immunization should be sent to school nurse.

TABLE 5: Records

State	Records
Alabama	Homeless student records "will be maintained in the same manner as those of other students." Records should be transferred in a timely manner.
Alaska	SEA to develop data system re:hless kids by 12/31/89. System to make "every effort" to include health/immunization & info. re: educational & transpo. needs. SEA to write 9/30/89 memo to LEAs prohibiting use of health records as enrollment prerequisite.
Arizona	LEAs must review admission & enrollment policies (including re: records) to ensure elimination of "illegal barriers to education." SEA to review existing state residency & admission requirements.
California	LEAs should establish tracking procedures & ensure records are made available "as quickly as possible." If records unavailable, receiving LEA should assess kids' skills, assign someone to meet w/kid, & quickly place kid in appropriate program.
Colorado	LEAs must maintain school records for all children, including homeless, so that they are forwarded to a "new attendance center" as requested. LEAs will be monitored by SEA to ensure compliance.
Connecticut	By existing law, LEAs must maintain records in accord with "records retention schedule" established by SEA. SEA suggests that LEAs review local records policies to include McKinney records provisions.
Delaware	SEA, in cooperation w/ state A.G. & Chief School Officers Assn. will develop procedures to ensure maintenance & timely transfer of homeless student records.
Dist. of Colum	SEA will "facilitate the transfer of academic and health records when such action is needed."
Florida	'89 law says LEAs must help hless w/birth/health records proof.LEAs "encourage(d)" to enroll on evidence of immunization & use state database to maintain/transmit records.SEA to review current practices & design procedures to aid in records availability.

TABLE 5 (Continued)

State	Records
Michigan	Not clear from plan, possibly included in 8/90 guide from SEA to LEAs re: state residency & school placement laws, policies & procedures.
Minnesota	SEA will provide LEAs with technical assistance in establishing processes to locate and transfer homeless student records. SEA will recommend LEA compliance with state guideline permitting parents up to 30 days to produce children's medical records.
Missouri	SEA will, to the extent practicable, ensure that LEAs maintain and transfer records in a timely fashion (recites McKinney)
Montana	LEAs will "make every attempt" to secure past school records of homeless kids and to make available to other LEAs the current records of homeless kids upon departure. SEA will assist in obtaining records of homeless kids coming from out of state.
New Jersey	LEAs must enroll homeless in a "timely" manner & not allow delay in record receipt to preclude timely enrollment. SEA to review current LEA policies,establish specific strategies,issue SEA policy re:records/enrollment by 9/89 & monitor LEAs for compliance
New Mexico	Under existing law, LEAs must "promptly" forward records upon receiving written request by receiving LEA. Records laws & policies (including immunization requirements) will be included in homeless "policy handbook" written & disseminated by SEA by 4/90.
New York	Plan says hless kids are considered residents for all purposes of LEA they attend; presumably encompasses rights re: school records.
North Dakota	LEAs responsible for maintaining & transferring records in accord w/McKinney. SEA to inform LEAs that delay in receiving health/school records "must not preclude" timely enrollment. LEAs should help hless families obtain records & immunizations.

TABLE 5 (Continued)

State	Records
Oregon	LEAs "should" maintain records so that they are readily available when homeless move. "More study is needed" re: records transfer. Existing recordkeeping models under consideration;ideal system would allow tracking through ed & social services contacts.
Pennsylvania	LEAs must provide education as soon as enrollment process is initiated, and as soon as they know immunization program has started. Receiving LEA should contact sending LEA for oral confirmation of immunization.
Puerto Rico	Between 9/89 -9/90, SEA to develop memo to LEAs re: records procedure, homeless student "school transfer cards," & conduct follow-up re: LEA records transfer.
South Dakota	LEAs must maintain records & submit info. to state tracking system. When a child leaves, sending LEA notifies McKinney coordinator, who then provides info. to receiving LEA. Re: immunization, LEAs contact sending LEA, prior county health office & state.
Tennessee	LEAs must transfer records of homeless kids within one week of request from receiving LEA.
Texas	LEAs must maintain records so they are available in a timely manner.SEA suggestions to LEAs include development of "enrollment packets" w/necessary forms to aid w/transition & giving hless who leave card w/dates of enrollment & phone no. of sending school
Utah	SEA will "inform" LEAs of McKinney intent re: timely forwarding of records & "importance of providing immediate educational services" even when records are delayed or unavailable, and monitor LEAs to determine whether homeless are denied admission.
Virginia	LEAs shall "make every effort" to maintain records so as to facilitate homeless student enrollment.

TABLE 5 (Continued)

State	Records
West Virginia	Records should be maintained so hless kids can enroll w/in 2 days. Schools can call sending school for academic (including special ed.) & immunization info. over phone. If not immunized, child can be sent to health clinic and be "provision[ally]" enrolled
Wisconsin	LEAs maintain records consistent w/fed. Family Educational Rights & Privacy Act. SEA provides technical assistance to LEAs re: timely transfer of homeless student records.

TABLE 6: Services

State	Services
Alabama	Services must be "comparable";LEAs should form "teams" to determine the needs of each individual homeless kid & recommend appropriate services & educational programs. Hless parents/students & advocates should be given oppty. to participate in this process
Alaska	By 9/1/89, SEA to develop an "instrument" to review LEA provision of educational access, including provision of services, to homeless kids.
Arizona	Services must be "comparable." LEAs must appoint a staff member to act as homeless education contact person, whose responsibilities include facilitating homeless student enrollment, assessment and placement.
California	Recommends "two-phased approach" to providing services, w/participation of SEA & LEAs. First phase focuses on identifying relevant programs & practices; second phase focuses on disseminating info., developing, implementing & monitoring effective programs
Colorado	LEAs and schools must provide "comparable services"
Connecticut	LEAs "encourage[d]" to provide timely identification & assessment of homeless kids re: special services needs. SEA to use existing review procedures to ensure all kids have "equal opportunity to receive a suitable program of educational experiences."
Delaware	SEA, State A.G. & State Chief School Officers' Assn. will develop procedures to assure LEAs provide "comparable services," & address compensatory ed., special ed, LEP, gifted/talented & school meals programs.
Dist. of Colum	SEA takes responsibility to provide "needed services" through a number of means. Principals & shelter providers should refer kids who need services to McKinney coordinator for case conference & development of service plan.

TABLE 6 (Continued)

State	Services
Florida	SEA to communicate to LEAs re:strategies to address hless kids' services needs, including identification for special programs,inclusion in meals & Chap. 1 programs. SEA to meet with state-level persons responsible for special programs re: needs of hless.
Georgia	Hless kids who meet eligibility requirements get "comparable services". LEAs have discretion to provide free/reduced meals for kids who qualify but can't provide completed application & for kids known to be "needy" but who fail to apply for meals programs
Illinois	SEA to profile by region available services, visit some LEAs to review service delivery to hless kids, develop or procure a video re: needs of hless kids for regional/LEA personnel, provide training/presentations re: educational needs of homeless.
Indiana	SEA to inform LEAs of obligation to "quickly respond in ... providing services" for hless. LEAs recommended to appoint liaison to assist in obtaining resources. McKinney coordinator to review/respond to complaints re: denial of services.
Iowa	LEAs must provide "comparable" services. SEA to develop recommendations for LEAs re: counseling for hless & model programs, including "education program implementation."
Kentucky	Same services as non-homeless students, LEAs must identify needed services & provide them "without delay."
Louisiana	LEAs should provide "comparable" services in all areas in which hless kids meet eligiblity criteria, including compensatory ed., special ed., LEP, voke ed., gifted & school meals. SEA will monitor LEAs to ensure compliance with services mandates.
Maryland	Info. collected in state data "tracking system" will be used in on-site SEA visits to LEA to document & monitor the provision of special services. SEA compensatory ed. staff will conduct special review of hless programs in Chap. 1 monitoring.

TABLE 6 (Continued)

State	Services
Massachusetts	Homeless children are entitlted to "any educational programs" for which they are eligible. Also, homeless children should have access to any tutorial services established by LEAs or others.
Michigan	SEA will: meet w/SEA-level food/nutrition personnel & disseminate info. to LEAs re: food programs, & distribute brochure to & conduct workshops for LEAs re: LEA responsibility to ensure homeless kids have access to "all school programs."
Minnesota	SEA to survey LEAs re: services access policies; meet with directors of Chap. 1, food service, special ed re: need for speedy provision of services; disseminate materials re: meeting needs of hless kids.
Missouri	LEAs must provide homeless kids with comparable services (recites McKinney language)
Montana	Recites McKinney language
New Jersey	LEAs must provide "comparable" services. SEA provides various support/technical assistance activities for LEAs re: services & monitors LEAs for compliance.
New Mexico	Plan recites existing state constitutional & statutory provision re: appropriate education & states: "each child...contingent upon available resources (homeless children included) shall be provided services comparable" to those offered other students.
New York	Plan says a homeless child "shall be considered a resident for all purposes" wherever s/he attends; presumably includes services.
North Dakota	LEAs must provide "comparable" services. SEA McKinney coordinator will use "various means," including training, consultations & memos, to inform LEAs of their responsibilities. SEA offices responsible for special programs will also conduct LEA monitoring.
Oregon	All educational services should be provided to homeless on same basis as to nonhomeless.

TABLE 6 (Continued)

State	Services
Pennsylvania	LEAs encourged to provide "a variety of options"; LEAs should consider identifying long-term homeless students as "at risk" and thus eligible for special programs
Puerto Rico	SEA will visit LEAs to ensure appropriate academic services, including programs for "disadvantaged," special ed., LEP, voke ed, gifted/talented & school meals, are being provided.
South Dakota	LEAs responsible for providing "comparable" services.
Tennessee	LEAs must establish an "interagency team" of persons knowledgeable about homeless kids. Team must ensure that "basic needs" of homeless kids are met, including developing appropriate initiatives to address these needs.
Texas	LEAs must provide homeless children with all services to which they are entitled on the same basis as services are provided to non-homeless. Plan also suggests strategies for LEAs re: counseling & special ed evaluation.
Utah	SEA to "encourage local districts to guarantee all [McKinney] provisions" through, e.g. tutoring, better assessments, etc. Also, SEA to link hless service providers w/voke ed./sped programs; disseminate model programs info.& monitor for LEA compliance.
Virginia	LEAs to provide "comparable services"
West Virginia	LEAs must support parent decisions re: enrollment by providing "all educational services...."
Wisconsin	Hless get services "comparable" to those provided other students,including transpo.,school meals & other services. LEA officials can accept meal program applications from hless kids living alone & complete meals applications for hless known to be eligible

TABLE 7
Provisions For Transportation

State	Transportation
Alabama	Nothing specific re: transportation
Alaska	Current law gives LEAs some funds to transport kids living "a distance" from school. Hless kids not on bus routes must use public/other transpo. SEA memo to LEAs re: comparable services will include transpo. State needs to find solutions for this problem.
Arizona	Cost/convenience of transportation to be considered in placement decisions. SEA to investigate alternatives re: inter-LEA transportation of homeless. Plan recommends that LEAs review bus routes to ensure homeless kids have access to transportation.
California	LEA governing boards should establish criteria for homeless student enrollment decisions, including availability and accessibility of transportation.
Colorado	Nothing specific re: transportation, but provisions re: comparable services states these services "include, but (are) not limited to educational services."
Connecticut	If LEA of origin continues to provide education to hless kid, it must also provide transportation.
Delaware	Nothing specific re: transportation
Dist. of Colum	SEA will "coordinate and plan appropriate transportation services when needed."
Florida	SEA will "confer with" state transportation authorities. LEAs will be "encourage(d)" to review & revise bus routes & schedules to accommodate needs of homeless students.
Georgia	Provision re: requirement for "comparable services" includes transportation.
Illinois	Nothing specific re: transportation
Indiana	SEA will conduct regional or statewide meetings with local transportation directors by 8/90. SEA will "research options" re: transportation, including LEA transportation (including special ed. buses), public transportation, taxi, bus and vouchers.

TABLE 7 (Continued)

State	Transportation
Iowa	Nothing re:LEA transpo. obligations.SEA to review students' transpo. rights & current practices for "positive alternatives";identify/incorporate solutions into 8/89 document submitted to LEAs for review of LEA policies & make other recommendations by 3/90
Kentucky	Lack of transportation will not cause denial or delay of education; homeless get same transportation as non-homeless in district. LEA urged to use "various methods of transportation" to maintain children in best interest placement.
Louisiana	Nothing specific re: transportation
Maryland	Nothing specific re: transportation
Massachusetts	Same rights as non-homeless if attending in LEA & attendance area of residence. If attending in LEA of residence but outside attendance area, LEA "urged" to provide transportation. If attending outside LEA of residence, parents provide transportation.
Michigan	SEA will provide information & technical assistance to LEAs re: rules & regs that permit LEAs to provide "adequate transportation" so that homeless kids can attend the school chosen by their parents.
Minnesota	SEA will provide technical assistance to LEAs to "explore options in removing barriers of transportation"; state level meetings with director of transportation; transportation problems discussed at state interagency group meetings
Missouri	Nothing specific re: transportation
Montana	Current law requires transportation more than three miles from school within LEA; nothing stated re: inter-district transportation. "Recommended" that Congress consider special funding for homeless transportation.
New Jersey	LEA of attendance coordinates transpo. services. LEA of origin provides transpo. if child attends there. Pending state bill & admin. regs would require LEA of origin to pay for all transpo. SEA to monitor LEAs, provide TA, explore other funding sources.

TABLE 7 (Continued)

State	Transportation
New Mexico	Nothing specific re: transportation
New York	Local social services districts pay for transportation costs incurred by homeless students & their families.
North Dakota	Nothing specific re: transporation
Oregon	Support services "such as transportation" should be provided to homeless on same basis as provided to nonhomeless
Pennsylvania	Goal to "make every effort practicable" to maintain child in LEA of origin, when appropriate, through "various acceptable modes of transportation;" proposed actions include SEA reimbursement to LEAs of origin for transporting hless kids w/in 10 mi.
Puerto Rico	Nothing specific re: transporation
South Dakota	Resources to meet hless students' transpo needs "have not been identified at this time." LEAs should investigate other funding sources; SEA to assist as necessary. An effort should be made so that lack of transpo. does not preclude access to school.
Tennessee	Decisions re: enrollment/best interest should not depend on availability of transportation. After placement decision is made, "all community resources should be tapped to ensure that the transportation is available."
Texas	No concrete changes proposed in law. Suggests that LEA could designate certain shelters, etc. as being within "hazardous areas" & thus receive partial SEA reimbursement for transporting these students. Transportation policy questions will studied.
Utah	SEA will "make every effort" to ensure provision of transportation through encouraging local shelters to provide transportation, providing sped transportation as per IEPs and "investigat(ing) the possibility of subsidizing transpo." through grant funds.

TABLE 7 (Continued)

State	Transportation
Virginia	Nothing specific re: transportation
West Virginia	LEAs can provide transpo,even across LEA lines,for kids 2 mi.+ from school. Hless in LEA of residence get same transpo. as nonhless;LEAs urged, not required,to transport across attendance areas.LEAs can provide inter-LEA transpo,but no reimb. $ available.
Wisconsin	Homeless students transported "in a manner consistent with" transpo. to all other pupils in an LEA. LEAs "encouraged" to develop policies/procedures to ensure hless attendance & continuity of instruction. SEA to provide technical assistance to LEAs.

TABLE 8
Review/Revision Of State Plan Provisions

State	Review or Revision of State Plan Contemplated?
Alabama	Plan states that evaluation of plan will be ongoing. Info from data collection to be reviewed to determine increase/decrease in # of hless kids identified & enrolled in school & status of identified problems.
Alaska	SEA McKinney coordinator to review & evaluate all of plan's objectives annually from 1989 through 1993 & report to SEA Commissioner & SEA Committee for Ed. of Hless Children/Youth. Committee to advise Commissioner re: necessary changes in plan.
Arizona	Status report on state activities will be sent out every 90 days + annual report. Nothing specific re: revision of plan itself.
California	Monitoring of progress re: educating homeless kids, but no specific reference to revision of plan itself.
Colorado	In intro, stated that evaluation of plan and data will be used to improve plan in future years, but no specifics re: process of evaluation & plan revision.
Connecticut	Plan will be reviewed through interagency work, outreach to interested persons & organizations. As necessary, SEA to establish new procedures and revise current ones to make them "more responsive & effective...."
Delaware	Nothing specific re: review/revision of plan.
Dist. of Colum	Effectiveness of service delivery to be reviewed/monitored. Nothing specific re: review/revision of plan itself.
Florida	Nothing specific re: review/revision of plan.
Georgia	Nothing specific re: review/revision of plan itself. But, plan dated "1989-91" -- possible revised/new plan after '91?
Illinois	Appeals/dispute resolution procedure evaluated after six months & revised if necessary.

TABLE 8 (Continued)

State	Review or Revision of State Plan Contemplated?
Indiana	SEA activities re: plan to be evaluated on on-going basis; report to SEA Superintendent on quarterly basis. Nothing specific re: review/revision of plan itself.
Iowa	Plan targeted for review/revision in 7/89 after initial review by selected persons. Procedures to be developed for ongoing evaluation of plan activities. Nothing specific re: post-7/89 review/revision of plan.
Kentucky	Plan to be revised if necessary after passage of any relevant legislation.
Louisiana	SEA to analyze data collection/tracking system info., info. from LEA monitoring & info. re: placement disputes & consider whether revision of residency law is necessary.
Maryland	SEA to analyze data from tracking system, SEA monitoring & info. re: placement disputes to determine whether state plan is effective & whether change in residency law is needed.
Massachusetts	SEA advisory committee to advise SEA re: implementation and revision of plan.
Michigan	SEA task force to meet bimonthly re: plan implementation, "outcome" of these meetings will be reports of modification in state plan activities. No additional details re: procedure for revision provided.
Minnesota	Nothing specific re: review/revision of plan.
Missouri	Nothing specific re: review/revision of plan.
Montana	Effectiveness of program evaluated through annual needs assessment. Info & data relevant to solving identified problems to be disseminated. No specifics re: review/revision of plan itself.
New Jersey	SEA to undertake evaluation activities to measure the effectiveness of plan. No other specifics re: procedure for possible review/revision of plan itself.

TABLE 8 (Continued)

State	Review or Revision of State Plan Contemplated?
New Mexico	Adoption or recommendation of "necessary" changes to state policy or law contemplated by 6/90.
New York	SEA advisory committee to meet quarterly "to discuss short and long-term planning." Nothing more specific re: review/revision of plan itself. But, plan dated "1989-91." Possible new or revised plan after '91?
North Dakota	Nothing specific re: review/revision of plan. But, plan dated "1989-90." Possible new/revised plan after '90?
Oregon	SEA McKinney coordinator to monitor state compliance w/plan & McKinney Act. Nothing specific re: review/revision of plan itself.
Pennsylvania	SEA task force & others will evaluate plan. SEA to offer ongoing opportunities to suggest improvements in plan administration. SEA to "establish new procedures & revise current ones" when necessary.
Puerto Rico	Nothing specific re: review/revision of plan.
South Dakota	SEA advisory committee to be consulted re: problems & possible solutions. Nothing more specific re: review/revision of plan itself.
Tennessee	Nothing specific re: review/revision of plan. But, plan dated "1989." Possible new/revised plans in future?
Texas	Implies revision -- says data about #s of hless kids & unmet needs will hopefully "give direction for future plans." Plan dated "1989-90." Possible revision after '90?
Utah	1989-90 plan. Plan should be evaluated w/in 1st year,criteria to include LEA awareness of issues;coordination/ease of enrollment; comparability of services;model program availability; status of problems re: residency/transpo./records.
Virginia	Nothing specific re: review/revision of plan.

TABLE 8 (Continued)

State	Review or Revision of State Plan Contemplated?
West Virginia	Nothing specific re: review/revision of plan. But, plan dated "1989-90." Possible new/revised plan after '90?
Wisconsin	Nothing specific re: review/revision of plan.

TABLE 9 (Continued)

State	Other
Florida	SEA to develop guidelines for model system of delivery of educational services to homeless students, including interagency coordination with social services agencies, & provide training to LEA personnel.
Georgia	SEA has developed guidelines for use by LEAs re: homeless kids, discussing suggested procedures re: enrollment, records, guardianship/custody issues & transfer & withdrawal of homeless kids. SEA Bd. adopted "policy statement" re: homeless in 12/87.
Illinois	SEA to provide tech. assistance to LEAs & monitor LEAs for compliance with plan. SEA will identify & train persons to serve as LEA-level advocates for homeless students. Advocate duties include identification & referral of problems to SEA Coordinator.
Indiana	SEA to establish mechanism to monitor LEAs re: dispute resolution mechanism, including timeliness of resolution, & survey LEAs to determine compliance. SEA also provides TA, meets w/social workers. LEA requested to appoint local liaison.
Iowa	SEA plans staff training, outreach to hless & development of curriculum to address "basic survival needs" of hless. LEA compliance to be monitored by regional & SEA officials.
Kentucky	SEA to monitor, provide TA, training, develop info. re: best practices. Homeless should not be denied temporary or permanent enrollment due to any exclusionary LEA policies, including policies re: limited space, school fees or loss of books.
Louisiana	SEA to monitor LEAs for McKinney compliance, provide tech. assistance & participate in state-level interagency homeless activities.
Maryland	SEA to administer a tracking system for homeless students,with participation by shelter providers, social workers & LEAs, & use info. to plan/deliver services. SEA also provides TA to LEAs, conducts on-site LEA reviews, participates in interagency efforts

TABLE 9
Miscellaneous State Plan Provisions

State	Other
Alabama	SEA to evaluate LEAs for McKinney compliance, conduct trainings/sensitivity workshops for LEA personnel re: needs of homeless students & encourage inter-agency cooperation at the local level.
Alaska	SEA to monitor LEAs for McKinney compliance, provide training for LEA personnel re: needs of hless kids & encourage LEAs to become involved in local interagency efforts to help the homeless.
Arizona	LEAs to submit reports re: admission policies for SEA review. SEA to submit quarterly status reports re:actions to assist hless;conduct outreach to LEAs re: hless kids;work w/other agencies re:needed services;disseminate info. re:effective programs.
California	SEA to provide various tech. assistance activities & write annual report. Many LEA activities recommended,including creation of task forces to develop/implement LEA-level plans & monitor schools to ensure hless have equal access to "quality education."
Colorado	LEAs to use "special monitoring" re:mobility of hless families,including immediate notice to superintendents from principals when hless move. LEA super. to make "notation" in records of hless kids who move to parts unknown. SEA to monitor for compliance.
Connecticut	Long-term hless kids to be included in "at risk" population & eligible for services. SEA to provide LEAs w/TA,training,guidelines for participation in local interagency efforts & info. re: good practices.SEA also participates in state interagency efforts.
Delaware	SEA coordinator to participate in state-level interagency efforts re: Del. homeless persons, work w/state coordinator responsible for needs of homeless adults & provide training for LEA staff re: needs of homeless children.
Dist. of Colum	Services to hless kids will be coordinated w/city recreation & human services agencies & community groups. SEA-administered services include staff training, curriculum development, tutoring.

TABLE 9 (Continued)

State	Other
Massachusetts	Plan described for dissemination of information to homeless persons (through service providers and advocates), training for school personnel, intreagency coordination w/state welfare, social services, public health & child advocacy agencies.
Michigan	SEA activities include:record-keeping re:#/resolution of disputes, # of LEAs providing food programs & transpo.;review of all residency laws;public info. campaign & brochure;seminars for LEAs re:needs/legal rights of hless; model program development.
Minnesota	SEA to provide TA & training for LEA personnel re: hless issues, work re: policy development/implementation & work w/other agencies to develop sample programs to be used at workshops.
Missouri	LEAs requested to appoint hless coordinator to:review LEA policies;take steps to remove barriers to access;inform parents of their rights & LEAs of their responsibilities.SEA manuals to discuss relevant laws/policies & good educational practices for hless
Montana	Introduction states that all homeless kids should be considered "at risk". SEA coordinator will work to establish LEA advocates for homeless students & initiate "awareness program," including formation of state interagency task force.
New Jersey	SEA will produce pamphlet for homeless parents re: education rights, assist LEAs w/outreach at local level & disseminate info re: models of services delivery. SEA to hold statewide conference on hless kids in 1991.SEA to monitor LEAs for compliance w/plan
New Mexico	"Comprehensive policy handbook" re: relevant laws, policies & procedures to be disseminated by SEA in 6/90.
New York	SEA to work w/advocates & state youth agency to "identify, define & serve" kids not covered under current regs (including hless youth not receiving public aid).SEA reviews placement decisions, provides TA to LEAs & encourages model program development.

TABLE 9 (Continued)

State	Other
North Dakota	N.D. caselaw has established broad concept of residency. SEA coordinator to be in "constant contact" w/LEAs re: McKinney compliance, conduct trainings & provide tech. assistance to LEAs,investigate possible tracking system & carry out public info campaign
Oregon	Public information campaign described for dissemination of plan and other info. SEA to participate in inter-LEA & interagency negotiations re: hless kids & compile info. on funding for model programs.
Pennsylvania	SEA to monitor placement decisions to determine whether regulatory change is needed. SEA plans include public awareness campaign, development of RFP for LEA/social service coordination to track kids & develop service delivery model, and TA to LEAs.
Puerto Rico	SEA to inform hless families of nearby ed. services & provide LEAs w/list of hless kids in their jurisdiction. SEA to visit LEAs to ensure hless children are enrolled & being provided w/services.
South Dakota	SEA will establish "tracking system" for information re: homeless students to provide records info. & better census data, provide training & TA & disseminate info. to LEAs.
Tennessee	LEAs must establish interagency teams of persons knowledgeable re: problems of hless kids. Team to review LEA policies & bring them into compliance w/law; ensure needs of individual hless kids are met;& develop inititatives to address hless ed. needs.
Texas	SEA to diseminate analysis of guardianship law re:hless by 12/1/89 & letter by 9/1/89 re:liberal interpretation of law re:excused absences so that hless can make up missed work. State $ to pay for model procedures manual.Public info campaign begins 8/89.
Utah	Public information campaign described. Also, SEA to contact LEAs, encourage LEA-level interagency coordination; identify models for service delivery & monitor LEAs re: provision of services.

TABLE 9 (Continued)

State	Other
Virginia	No miscellaneous information included in plan.
West Virginia	SEA to establish state-wide network for dissemination of info. & conduct training for LEA personnel re: homeless kids & their problems.
Wisconsin	SEA to review LEA compliance w/plan through form used by SEA personnel in onsite visits. Plan recommends LEAs develop interagency advisory comm. to consider issues such as continuity of instruction, recordkeeping, parent involvement, services, etc.

TABLE 10
Numerical Data About Homeless Children

State	Number of Homeless Kids	Number Not Attending
Alabama	7,677	0
Alaska	973	364
Arizona	8,454	3,382
California	26,496	11,520
Colorado	803 (+ 442 preschool)	557
Connecticut	4,066	244
Delaware	63	0
Dist. of Colum	382	No data
Florida	10,060	4024
Georgia	3,632	2,791
Illinois	9,238	3,948
Indiana	2,444	892
Iowa	6,411 (including 1,994 preschool)	1,237 (1,821 preschool)
Kentucky	4,082 (+ 424 additional)	206
Louisiana	4,590	"data not complete"
Maryland	6,440 (0-18 years old)	1,240
Massachusetts	6,109 (+ 4,588 preschool)	794
Michigan	11,640	3,640 (estimate)
Minnesota	11,921 (including 2,540 preschool)	5,000
Missouri	410 (+ 359 birth-4 years)	71 (5-20 yrs) + 314 (ages 0-4)
Montana	1,752	270
New Jersey	14,439 (including 2,178 preschool)	508

TABLE 10 (Continued)

State	Number of Homeless Kids	Number Not Attending
New Mexico	7,281	756
New York	7,817	"unknown"
North Dakota	434	11
Oregon	11,464 (ages 0-18)	3,199
Pennsylvania	12, 499 (+ 8,645 preschool)	2,567
Puerto Rico	2,032	434
South Dakota	2,660 (+ 1,199 preschool)	1,454
Tennessee	252	36
Texas	18,743 (+ 4,366 3-4 year olds)	2,544
Utah	1,385 (+924 preschool)	901
Virginia	7,607	599
West Virginia	1,338	109
Wisconsin	477	239

Source: December, 1989 state data reports to U.S. Dept. of Education